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LAW CLERK

IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

STATE OF IDAHO

Plaintiff/Respondent and

VS.

HECTOR B. ALMARAZ JR.,

Defendant/Appellant and

Appealed from the District Court of the Third
Judicial District for the State of Idaho, in and
for Payette County

Hon. Gregory M. Culet District Judge

Molly J. Huskey

State Appellate Public Defender

Attorney for Appellant

Lawrence Wasden

Attorney General for State of Idaho

Attorney for Respondent

Filed this day of , 20

Clerk

By Deputy

FILED - COPY

FEB - 3 2010

Supreme Court Court of Appeals
Entered on ATS by:

CAXTON PRINTERS, CALDWELL IDAHO 168330

35327

Volume 1

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

THE STATE OF IDAHO,
Plaintiff/Respondent,

Case No. CR-2006-001324

Vs.

Supreme Court #35827-2008

HECTOR B. ALMARAZ JR.,
Defendant/Appellant.

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Third Judicial
District of the State of Idaho, in and for the
County of Payette.

The Honorable
Gregory M. Culet
District Judge

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Payette County Case Number: CR-2006-1324

Idaho Supreme Court Number: 35827-2008

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State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
4/25/2006	NCRF	CUTLER	New Case Filed - Felony
	PROS	CUTLER	Prosecutor assigned Brian D Lee
	AFPC	CUTLER	Affidavit Of Probable Cause
	WARI	CUTLER	Warrant Issued - Arrest Bond amount: .00 Defendant: Almaraz, Hector B
	STAT	CUTLER	STATUS CHANGED: Inactive
4/28/2006	WART	GALLO	Warrant Returned Defendant: Almaraz, Hector B
	STAT	GALLO	STATUS CHANGED: Activate (previously inactive)
	ARRN	CUTLER	Arraignment / First Appearance
	CNRI	CUTLER	Constitutional Rights Warning
	COMM	CUTLER	Commitment - Held To Answer - NO BOND
	ORPD	CUTLER	Defendant: Almaraz, Hector B Order Appointing Public Defender Public defender Van G. Bishop
		CUTLER	Order Appointing Public Defender
	HRSC	CUTLER	Hearing Scheduled (Preliminary 05/12/2006 10:30 AM)
		CUTLER	Notice Of Hearing
5/1/2006	ORPD	CUTLER	Defendant: Almaraz, Hector B Order Appointing Public Defender Public defender Nancy L Callahan
		CUTLER	Order Appointing Public Defender
5/3/2006	DISC	CUTLER	Request For Discovery & Available Dates
5/9/2006	NOCO	CUTLER	Notice Of Compliance
	SUBR	CUTLER	Subpoena Returned (STEELE/HUFF)
5/11/2006	STIP	EDWARDS	Stipulation TO CONTINUE PRELIMINARY HEARING AND WAIVER OF RIGHT TO HAVE PRELIMINARY HEARING WITHIN 14 DAYS
5/12/2006	AFFD	DAVILA	Affidavit of business facts and/or records pursuant to idaho criminal rule 5.1
		DAVILA	DETENTION WARRANT
5/24/2006	SUBR	DAVILA	Subpoena Returned PRISCILLA MATA, KENT SLOAN, STEPHANIE STEELE
	CONT	DAVILA	Continued (Preliminary 05/26/2006 10:30 AM)
	SUBR	DAVILA	Subpoena Returned NO FOUND CAROLINA VILLEGAS, ARMANDO LANDIN CABANILLA
5/25/2006	NOCO	ANDERSON	First Notice Of Compliance
	MISC	CUTLER	SHERIFF'S NO FOUND RETURN (I. LONGORIA)
	SUBR	CUTLER	Subpoena Returned (J.STEPHENS/J.STEPHENS/C. VILLEGAS)
5/26/2006	SUBR	DAVIES	Subpoena Returned Vanessa Delgado

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
5/26/2006	ORDR	CUTLER	ORDER BINDING TO DISTRICT COURT
	AFFD	CUTLER	AFFIDAVIT OF JD HUFF
	MISC	CUTLER	DETENTION WARRANT
	PHHD	CUTLER	Hearing result for Preliminary held on 05/26/2006 10:30 AM: Preliminary Hearing Held
5/30/2006	HRSC	ANDERSON	Hearing Scheduled (Arraignment 06/02/2006 09:00 AM) Murder
	NOCO	DAVILA	2ND Notice Of Compliance
5/31/2006	NOCO	ANDERSON	3rd Notice Of Compliance
6/2/2006	NOTC	DAVIES	Notice of Service
	MISC	DAVIES	Request for Discovery, Disclosure and Alibi Demand
	INFO	DAVIES	Criminal Information
	ARRN	ANDERSON	Hearing result for Arraignment held on 06/02/2006 09:00 AM: Arraignment / First Appearance Murder
	HRSC	ANDERSON	Hearing Scheduled (Pretrial Conference 09/14/2006 10:30 AM) JT on 10/10/06
	HRSC	ANDERSON	Hearing Scheduled (Jury Trial 10/10/2006 09:00 AM) Murder
	MISC	ANDERSON	Court Minutes
6/12/2006	SUBR	MARCIA	Subpoena Returned/ JD HUFF
	SUBR	MARCIA	Subpoena Returned/STEPHANIE STEELE
	SUBR	MARCIA	Subpoena Returned/KENT SLOAN
6/13/2006	ORDR	DAVIES	Order for Payment of Atty Fees
6/14/2006	SUBR	MARCIA	Subpoena Returned/JAMES STEPHENS
6/16/2006	SUBR	MARCIA	Subpoena Returned/Kenneth Hust
	SUBR	MARCIA	Subpoena Returned/JD Huff
	SUBR	MARCIA	Subpoena Returned/Stephanie Steele
	SUBR	MARCIA	Subpoena returned/Kent sloan
	SUBR	BRIS	Subpoena Returned (NO FOUND VANESSA DELGADO)
6/19/2006	NOTC	MARCIA	Notice of Intent to Seek Death Penalty
6/22/2006	PETN	DAVIES	Petition to Secure out of State Witness (Priscilla Mata)
	MOTN	DAVIES	Motion
	AFFD	DAVIES	Affidavit
	MOTN	DAVIES	Motion for Payment of Witness Fees
	PETN	DAVIES	Petition to Secure Out of State Witness (Ismelda Longoria)

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
6/22/2006	MOTN	DAVIES	Motn	Stephen W Drescher
	AFFD	DAVIES	Affidavit	Stephen W Drescher
	MOTN	DAVIES	Motion for Payment of Witness Fees	Stephen W Drescher
	PETN	DAVIES	Petition to Secure Out of State Witness (Carolina Villegas)	Stephen W Drescher
	MOTN	DAVIES	Motion	Stephen W Drescher
	AFFD	DAVIES	Affidavit	Stephen W Drescher
	MOTN	DAVIES	Motion for Payment of Witness Fees	Stephen W Drescher
	PETN	DAVIES	Petition to Secure Out of State Witness (Armando Landin)	Stephen W Drescher
	MOTN	DAVIES	Motion	Stephen W Drescher
	AFFD	DAVIES	Affidavit	Stephen W Drescher
	MOTN	DAVIES	Motion for Payment of Witness Fees	Stephen W Drescher
	PETN	DAVIES	Petition to Secure Attendance of a Witness From Outside the State of Idaho	Stephen W Drescher
6/23/2006	ORDR	DAVIES	Order for Payment Armando Landin	Stephen W Drescher
	MISC	DAVIES	Certificate to Secure Attendance of a Witness From Outside the State of Idaho	Stephen W Drescher
	ORDR	DAVIES	Order for Payement of Witness Fee (Priscilla Mata)	Stephen W Drescher
	MISC	DAVIES	Certificate to Secure Attendane of A Witness from Outside the State of Idaho	Stephen W Drescher
	ORDR	DAVIES	Order for Payment of Witness Fee (Ismelda Longoria)	Stephen W Drescher
	MISC	DAVIES	Certificate to Secure Attendance of a Witness From Outside the State of Idaho	Stephen W Drescher
	ORDR	DAVIES	Order for Payment of Witness Fee (Carolina Villegas)	Stephen W Drescher
	MISC	DAVIES	Certificate to Secure Attendance of a Witness From Outside the State of Idaho	Stephen W Drescher
7/12/2006	NOCO	ANDERSON	Fourth Notice Of Compliance	Stephen W Drescher
8/9/2006	MOTN	DAVIES	Motion	Stephen W Drescher
	AFFD	DAVIES	Affidavit	Stephen W Drescher
	PETN	DAVIES	Petition to Secure Ourt of State Witness	Stephen W Drescher
8/15/2006	ORDR	ANDERSON	Certificate to Secure Attendance of a Witness from Outside the State of Idaho (Armando Landin)	Stephen W Drescher
8/16/2006	MOTN	ANDERSON	Motion for Appointment of Defense Experts	Stephen W Drescher
	MOTN	ANDERSON	Motion for In Chambers Status Conference and Scheduling Order	Stephen W Drescher
	NOTC	ANDERSON	Notice of Hearing	Stephen W Drescher
	HRSC	ANDERSON	Hearing Scheduled (Motion 08/18/2006 09:03 AM) Motion for Scheduling Order, Motion Appointing Experts	Stephen W Drescher

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
8/17/2006	MOTN	MARCIA	Motion for capital offense attorney fee hourly rate
	MOTN	MARCIA	Motion for order to produce preliminary hearing transcript
8/18/2006	HRVC	ANDERSON	Hearing result for Motion held on 08/18/2006 09:03 AM: Hearing Vacated Motion for Scheduling Order, Motion Appointing Experts
	ORDR	ANDERSON	Order to Appoint Jessie H. Garcia as Defense Investigator
	ORDR	ANDERSON	Order to Appoint Forensic Analytical Specialists as Consultant for Defense
	ORDR	ANDERSON	Order to Appoint Richard Cervantes PHD and Associates as Defense Mitigation Expert and for Mental Evaluation
	ORDR	ANDERSON	Order for Attorney Compensation in Capital Murder Case (hourly rate of compensation)
	ORDR	ANDERSON	Order to Produce Preliminary Hearing Transcript
8/23/2006	NOCO	MARCIA	5th Notice Of Compliance
8/31/2006	NOCO	MARCIA	6th Notice Of Compliance
9/7/2006	AFFD	ANDERSON	Affidavit of Nancy Callahan
	MOTN	ANDERSON	Motion for Payment of Attorney Fees
	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$3363.75
9/14/2006	CONT	DAVIES	Hearing result for Pretrial Conference held on 09/14/2006 10:30 AM: Continued JT on 10/10/06
9/15/2006	MOTN	MARCIA	Motion for approval of Fees for Appointed Counsel, Van Bishop
	MISC	MARCIA	Declaration of time and charges for attorney fees
	ORDR	MARCIA	Order for approval of fees for appointed counsel, (V Bishop) copy of paperwork and affd given to payroll for reimbursement
9/21/2006	MISC	ANDERSON	*VOLUME 2 STARTED*
9/25/2006	DISC	ANDERSON	Specific Request For Discovery
9/27/2006	MISC	DAVIES	Specific Request for Discovery
10/5/2006	MOTN	MARCIA	Motion for payment of attorney fees, (N Callahan)
	AFFD	MARCIA	Affidavit
10/6/2006	ORDR	DAVIES	Order for Payment Callahan cc: Nancy , Donna in Bk
10/12/2006	MOTN	DAVIES	Motion for DQ
	AFFD	DAVIES	Affidavit in Support of Mtn for DQ
10/23/2006	MISC	ANDERSON	Transcript of Preliminary Hearing Received

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
10/24/2006	ORDR	MARCIA	Order of Disqualification, c to V Bishop & N Callahan by mail hand delivered to prosecutor, also sent to D Kessler for reassignment	Stephen W Drescher
	HRVC	MARCIA	Hearing result for Jury Trial held on 10/10/2006 09:00 AM: Hearing Vacated Murder	Stephen W Drescher
10/25/2006	NOCO	ANDERSON	Eighth Notice Of Compliance	Stephen W Drescher
10/27/2006	CHJG	ANDERSON	Change Assigned Judge	Gregory M Culet
	ORDR	ANDERSON	Order of Assignment	Gregory M Culet
11/9/2006	NOTC	MARCIA	Notice of Compliance for Defendant Specific Request for discovery	Gregory M Culet
11/13/2006	HRSC	BDAVIES	Hearing Scheduled (Jury Trial 08/20/2007 09:00 AM) Judge Culet has also marked out 9-24-28, 2007	Gregory M Culet
	HRSC	BDAVIES	Hearing Scheduled (Status 03/08/2007 09:00 AM)	Gregory M Culet
	HRSC	BDAVIES	Hearing Scheduled (Status 07/02/2007 09:00 AM) Arguments, Obejections, rulings on contents of juror questionnaire	Gregory M Culet
	HRSC	BDAVIES	Hearing Scheduled (Hearing Scheduled 07/23/2007 09:00 AM) Jurors will be called in groups of 50 or more	Gregory M Culet
	HRSC	BDAVIES	Hearing Scheduled (Hearing Scheduled 08/06/2007 09:00 AM)	Gregory M Culet
	HRSC	BDAVIES	Hearing Scheduled (Hearing Scheduled 08/20/2007 09:00 AM)	Gregory M Culet
	HRSC	BDAVIES	Hearing Scheduled (Jury Trial 09/04/2007 09:00 AM)	Gregory M Culet
	ORDR	BDAVIES	Scheduling Order cc: Lee, Van Bishop and Callahan, Judge Drescher, Betty Dressen	Gregory M Culet
11/14/2006	MOTN	MARCIA	Motion for payment of Attorney fees	Gregory M Culet
	AFFD	MARCIA	Affidavit of Nancy Callahan	Gregory M Culet
11/15/2006	ORDR	MARCIA	Order for Payment of Attorney fees, paperwork to Payroll for processing	Gregory M Culet
11/21/2006	MOTN	ANDERSON	Motion for Approval of Fees for Investigator	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Investigator \$3,660.00 Jessie Garcia	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Court Appointed Counsel	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Counsel \$3,369.34 Van Bishop	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Court Appointed Counsel	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Counsel \$6,244.78 Van Bishop	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Mitigation Specialist	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
11/21/2006	ORDR	ANDERSON	Order for Approval of Fees for Mitigation Specialist \$3,246.36 Corss-Border Capital Mitigation Gregory M Culet
12/13/2006	NOCO	ANDERSON	Tenth Notice Of Compliance Gregory M Culet
12/14/2006	ORDR	BDAVIES	Order FOR PAYEMENT OF ATTY FEES CALLAHAN \$2,861.35 Gregory M Culet
12/20/2006	ORDR	CHYSELL	Order for Payment of the Cost to Prepare Preliminary Hearing Transcript cc: PA, DA, original Judge Culet, Denece Graham Gregory M Culet
	MOTN	CHYSELL	Motion for Order for Payette County to Pay for Preliminary Hearing Transcript cc: PA, DA, original Judge Culet, Denece Graham Gregory M Culet
1/3/2007	MOTN	CHYSELL	Motion for Approval of Fees for Court Appointed Counsel cc: Betty, Donna Oakes, DA Gregory M Culet
	ORDR	CHYSELL	Order for Approval of Fees for Court Appointed Counsel Van G. Bishop amount \$3,729.00 cc: Betty, Donna Oakes, DA Gregory M Culet
	ORDR	CHYSELL	Order for Approval of Fees for Mitigation Specialist Paid to Cross-Border Capital Mitigation Amount \$1,232.17 cc: Betty, Donna Oakes, DA Gregory M Culet
	MOTN	CHYSELL	Motion for Approval of Fees for Mitigation Specialist cc: Betty, Donna Oakes, DA Gregory M Culet
1/5/2007	MOTN	BDAVIES	Motion for Payment of Atty fees Gregory M Culet
	AFFD	BDAVIES	Affidavit in Support of Mtn Order was sent to Judge Culet for Signature of Approval Gregory M Culet
1/10/2007	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$3622.50 Gregory M Culet
1/16/2007	MOTN	ANDERSON	Motion for Approval of Fees for Investigator Gregory M Culet
	AFFD	ANDERSON	Affidavit of Jessie H. Garcia Gregory M Culet
1/25/2007	ORDR	ANDERSON	Order for Approval of Fees for Investigator Jessie Garcia \$2514.00 Gregory M Culet
1/31/2007	MOTN	CHYSELL	Motion for Defendant to Access Capitol Defense Fund for Video Analysis and Enhancement Gregory M Culet
	ORDR	CHYSELL	Order for Approval of Fees for Mitigation Specialist Gregory M Culet
	MOTN	CHYSELL	Motion for Approval of Fees for Mitigation Specialist Gregory M Culet
	ORDR	CHYSELL	Order for Approval of Fees for Court Appointed Counsel Gregory M Culet
	MOTN	CHYSELL	Motion for Approval of Fees for Court Appointed Counsel Gregory M Culet
	ORDR	CHYSELL	Order for Access to Capitol Defense Fund and Payment for Video Analysis and Video Enhancement Gregory M Culet
2/1/2007	MISC	ANDERSON	Amendment to Scheduling Order cc: PA, Bishop, Callahan Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
2/1/2007	CONT	ANDERSON	Continued (Hearing Scheduled 07/26/2007 09:00 AM) Jurors will be called in groups of 50 or more
2/2/2007	MOTN	ANDERSON	Motion for payment of attorney fees
	AFFD	ANDERSON	Affidavit of Nancy Callahan
2/7/2007	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$6371.00
2/13/2007	STIP	ANDERSON	Stipulation for Shipment of Evidence and Exhibits for Testing
	ORDR	ANDERSON	Order Directing Shipment of Evidence and Exhibits for Testing
2/20/2007	MISC	ANDERSON	Volume 2 started
	MOTN	ANDERSON	Motion for Approval of Fees for Court Appointed Counsel
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Counsel Bishop \$4726.50
	MOTN	ANDERSON	Motion for Approval of Fees for Mitigation Specialist
	ORDR	ANDERSON	Order for Approval of Fees for Mitigation Specialist Cross-Border Capital \$2202.65
2/26/2007	NOTC	ANDERSON	Notice of Hearing Testimonial Motions copies: Lee, Bishop, Callahan
	HRSC	ANDERSON	Hearing Scheduled (Motion 05/04/2007 09:00 AM) Testimonial Motions
3/6/2007	MOTN	CHYSELL	Motion for Payment of Attorney Fees
	AFFD	CHYSELL	Affidavit of Nancy L. Callahan
	NOCO	MARCIA	11th Notice of Compliance, mailed to Judge Culet for the file
3/8/2007	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Counsel Bishop \$8568.97
	MOTN	ANDERSON	Motion for Approval of Fees for Court Appointed Counsel
	ORDR	ANDERSON	Order for Approval of Fees for Mitigation Specialist Cross-Border \$6671.85
	MOTN	ANDERSON	Motion for Approval of Fees for Mitigation Specialist
	ORDR	ANDERSON	Order for Approval of Fees for Investigator Jessie Garcia \$1788.00
	MOTN	ANDERSON	Motion for Approval of Fees for Investigator
	AFFD	ANDERSON	Affidavit of Jessie Garcia
	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$11,305.10
	HRHD	ANDERSON	Hearing result for Status held on 03/08/2007 09:00 AM: Hearing Held

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
3/8/2007	CONT	ANDERSON	Hearing result for Hearing Scheduled held on 08/06/2007 09:00 AM: Continued
	HRSC	ANDERSON	Hearing Scheduled (Motion 08/08/2007 09:00 AM) Jury Voir Dire
		ANDERSON	Notice Of Hearing for Aug 8, 2007 cc:Pros., Callahan, Bishop
3/27/2007	STIP	ANDERSON	Stipulation for Production of Documents and Exhibits from State Lab
3/30/2007	MOTN	CHYSELL	Motion for Payment of Attorney Fees c:Callahan
	AFFD	CHYSELL	Affidavit of Nancy L. Callahan c:Callahan
4/2/2007	ORDR	ANDERSON	Order for Production of Documents and Exhibits from State Lab cc:Bishop, Callahan, Lee
4/10/2007	AFFD	ANDERSON	Affidavit of Service
4/11/2007	ORDR	ANDERSON	Order for Payment of Attorney Fees c:Callahan, Lee
4/12/2007	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Counsel Bishop \$7635.28
	MOTN	ANDERSON	Motion for Approval of Fees for Court Appointed Counsel
	ORDR	ANDERSON	Order for Approval of Fees for Mitigation Specialist Cross-Border Capital Mitigation \$4860.92
	MOTN	ANDERSON	Motion for Approval of Fees for Mitigation Specialist
	ORDR	ANDERSON	Order for Approval of Fees for Investigator Jessie Garcia \$3736.50
	MOTN	ANDERSON	Motion for Approval of Fees for Investigator
4/16/2007	NOCO	MARCIA	12th Notice of Compliance
5/3/2007	STIP	ANDERSON	Stipulation to Vacate Motion Hearing and Request to Reset Deadline for Filing Motions and Hearing
	HRVC	ANDERSON	Hearing result for Motion held on 05/04/2007 09:00 AM: Hearing Vacated Testimonial Motions
5/4/2007	MOTN	MARCIA	Motion for payment of attorney fees
	AFFD	MARCIA	Affidavit of Nancy Callahan
5/15/2007	ORDR	ANDERSON	Order Vacating Motion Hearing & Resetting Deadline for Filing Motions and Hearing c:Lee, Callahan, Bishop
5/16/2007	MISC	ANDERSON	*VOLUME 3 STARTED*
5/18/2007	MOTN	ANDERSON	Motion for Approval of Fees for Defense Forensic Analytical Services
	ORDR	ANDERSON	Order for Approval of Fees for Defense Forensic Analytical Services \$3000.00
	MOTN	ANDERSON	Motion for Approval of Fees for Mitigation Specialist

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
5/18/2007	ORDR	ANDERSON	Order for Approval of Fees for Mitigation Specialist \$2,437.24
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Counsel \$9,707.17 Van Bishop
	MOTN	ANDERSON	Motion for Approval of Fees for Court Appointed Counsel
5/31/2007	DISC	ANDERSON	Second Specific Request For Discovery
	DISC	ANDERSON	Third Specific Request For Discovery
	DISC	ANDERSON	Fourth Specific Request For Discovery
	DISC	ANDERSON	Fifth Specific Request For Discovery
	DISC	ANDERSON	Sixth Specific Request For Discovery
	DISC	ANDERSON	Seventh Specific Request For Discovery
	MOTN	ANDERSON	Motion for Appointment of Neuropsychologist, Craig Beaver PHD
	ORDR	ANDERSON	Order Appointing Neuropsychologist Craig Beaver PHD
	MOTN	ANDERSON	Motion for Forensic Expert Services
	ORDR	ANDERSON	Order Approving Forensic Expert Services
	MOTN	ANDERSON	Motion for Defense to Obtain Copy of PSI and Discovery Materials
	ORDR	ANDERSON	Order for Defense to obtain copy of PSI and discovery materials
	MOTN	ANDERSON	Motion for Appt of Cross Cultural Identification, Interviewing Techniques and Alcohol Expert
	ORDR	ANDERSON	Order Appointing Cross Cultural Identification, Interviewing Techniques, and Alcohol Expert
	MOTN	ANDERSON	Motion for Approval of Addtl Fees for Defense Investigator Jessie Garcia
	ORDR	ANDERSON	Order for Approval of Addtl Fees for Defense Investigator Jessie Garcia
	MOTN	ANDERSON	Motion for Approval of Addtl Fees for Mitigation Specialist
	ORDR	ANDERSON	Order for Approval of Addtl Fees for mitigation Specialist
6/4/2007	STIP	ANDERSON	Stipulation to Extend Discovery Deadline
	AFFD	ANDERSON	Affidavit of Jessie Garcia
	MOTN	ANDERSON	Motion for Approval of Fees for Investigator
6/6/2007	MOTN	ANDERSON	Motion for Payment of Attorney Fees
	AFFD	ANDERSON	Affidavit of Nancy Callahan
6/8/2007	ORDR	ANDERSON	Order For Payment of Attorney Fees Callahan \$14,502.48 c: PA,DA
	ORDR	ANDERSON	Order Extending Discovery Deadline c:PA,DA

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
6/8/2007	ORDR	ANDERSON	Order for Approval of Fees for Investigator c:PA,DA
6/11/2007	DISC	ANDERSON	Eighth Specific Request For Discovery
	DISC	ANDERSON	Ninth Specific Request For Discovery
	NOTC	ANDERSON	Def's Notice of Submission of First Draft of Jury Questionnaire
	MOTN	ANDERSON	Def's Motion for Disclosure of Impeachment and Exculpatory Evidence
	MOTN	ANDERSON	Def's Motion to Compel Discovery & Motion for Order Preserving Right to file Motions re: Discovery
	MOTN	ANDERSON	Def's Motion in Limine Tom Overstreet's Testimony
	MOTN	ANDERSON	Pl's Motion in Limine (re: victim's dying declaration)
	MOTN	ANDERSON	Pl's Motion in Limine (re:gang affiliations)
	MOTN	ANDERSON	Pl's Motion to View Premises by Jury Pursuant to IC Section 19-2124
	MOTN	ANDERSON	Def's Motion to Suppress Evidence: Eyewitness ID by Ken Hust
	MOTN	ANDERSON	Def's Motion to Suppress Evidence: Eyewitness ID Evidence
	MOTN	ANDERSON	Def's Motion to Suppress Evidence of Conversations Recorded in Violation of Oregon Law
	MOTN	ANDERSON	Def's Motion for Order Striking Notice of Intent to Seek Death and for Ruling That Death is not a Potential Punishment
6/15/2007	MOTN	ANDERSON	Motion for Approval of Fees for Court Appointed Counsel
	STMT	ANDERSON	Statement
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Counsel Van Bishop \$13,142.13
	MOTN	ANDERSON	Motion for Approval of Fees for mitigation Specialist
	STMT	ANDERSON	Statement
	ORDR	ANDERSON	Order for Approval of Fees for Mitigation Specialist Cross Border Capital mitigation \$6,080.25
6/19/2007	NOCO	CHYSELL	Thirteenth Notice Of Compliance
6/22/2007	NOTC	ANDERSON	Notice of Submission of Proposed Jury Questionnaire from State of Idaho
	MISC	ANDERSON	Def's Response to Request for Discovery
6/26/2007	MOTN	CHYSELL	Motion for Approval of Witness Fees Ismelda Longoria \$126.00

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
6/26/2007	MOTN	CHYSELL	Motion for Approval of Witness Fees Carolina Villegas \$126.00
	MOTN	CHYSELL	Motion for Approval of Witness Fees Priscilla Mata \$126.00
	MOTN	CHYSELL	Motion for Approval of Witness Fees Fabian Mata \$126.00
	MOTN	CHYSELL	Motion for Approval of Witness Fees Monica Martinez \$132.75
6/27/2007	STIP	CHYSELL	Stipulation to Vacate Certain Motions Hearing
6/28/2007	NOCO	CHYSELL	Fourteenth Notice Of Compliance
6/29/2007	MOTN	CHYSELL	Motion to Quash Subpeonas
	AFFD	CHYSELL	Affidavit of Anne-Marie Kelso in Support of the Motion to Quash Subpeonas
	NOTC	ANDERSON	Notice of Submission of Comparison Between Defense and State's Version of the Jury Questionnaire
6/30/2007	MISC	ANDERSON	*VOLUME 4 STARTED*
7/2/2007	NOTC	CHYSELL	Notice of Submission of Defense Second Draft of the Jury Questionnaire
	MISC	CHYSELL	Juror Questionnaire
	MOTN	CHYSELL	Motion for Order to Show Cause re:Orders to SDhip Exhibits to Lab
	MOTN	CHYSELL	Motion to Compel Discovery
	AFFD	CHYSELL	Affidavit of Nancy L. Callahan in Support of July 2, 2007 Motions and Stipulations
	STIP	CHYSELL	Stipulation to Vacate and to Continue Trial and To extend Deadlines for Discovery, Motions and Hearings
	ORDR	ANDERSON	DENIED Orders for Payment of Witness Fees c:PA,DA (5 orders total Ismelda Longoria, Carolina Villegas, Priscilla Mata, Monica Martinez)
	CONT	ANDERSON	Hearing result for Jury Trial held on 09/04/2007 09:00 AM: Continued
	CONT	ANDERSON	Hearing result for Hearing Scheduled held on 08/20/2007 09:00 AM: Continued Jury trial starts on August 20 with final jury selection
	CONT	ANDERSON	Hearing result for Jury Trial held on 08/20/2007 09:00 AM: Continued Judge Culet has also marked out 9-24-28, 2007
	CONT	ANDERSON	Hearing result for Motion held on 08/08/2007 09:00 AM: Continued Jury Voir Dire

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
7/2/2007	HRHD	ANDERSON	Hearing result for Status held on 07/02/2007 09:00 AM: Hearing Held Arguments, Objections, rulings on contents of juror questionnaire, Motion for Deadline for Filing Motions
	MOTN	ANDERSON	Motion for Payment of Attorney Fees (resubmitted for April)
	AFFD	ANDERSON	Affidavit of Nancy L. Callahan (resubmitted for April)
	ORDR	ANDERSON	Order for payment of attorney fees \$13,652.73 (resubmitted for April)
	HRSC	ANDERSON	Hearing Scheduled (Motion 02/05/2008 09:00 AM) Pretrial Motions
	HRSC	ANDERSON	Hearing Scheduled (Hearing Scheduled 03/10/2008 09:00 AM) Initial Jury Selection
	HRSC	ANDERSON	Hearing Scheduled (Hearing Scheduled 03/25/2008 09:00 AM) Challenges to Jury Selection
	HRSC	ANDERSON	Hearing Scheduled (Hearing Scheduled 04/10/2008 09:00 AM) Voir Dire Jury Examination
	HRSC	ANDERSON	Hearing Scheduled (Jury Trial 04/21/2008 09:00 AM)
	CMIN	ANDERSON	Court Minutes
7/3/2007	NOCO	CHYSELL	Notice Of Compliance To Specific Request for Discovery NOS 2-9
7/10/2007	SUBR	CHYSELL	Subpoena Returned-Stephanie Steele, Fruitland Police Department
7/11/2007	MOTN	ANDERSON	Motion for Payment of Attorney Fees
	AFFD	ANDERSON	Affidavit of Nancy Callahan
7/18/2007	MOTN	ANDERSON	Motion for Approval of Fees for Mitigation Specialist
	ORDR	ANDERSON	Order for Approval of Fees for Mitigation Specialist \$11,319.04 Cross Border Capital Mitigation
	MOTN	ANDERSON	Motion for Approval of Fees for Defense Forensic Analytical Services
	ORDR	ANDERSON	Order for Approval of Fees for Defense Forensic Analytical Services \$1750.00
	MOTN	ANDERSON	Motion for Approval of Fees for Court Appointed Counsel
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Counsel Van Bishop \$12,597.19
	MOTN	ANDERSON	Motion for Approval of Fees for Defense DTX Media
	ORDR	ANDERSON	Order for Approval of Fees for Defense DTX Media \$9500.00

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
7/19/2007	HRVC	ANDERSON	Hearing result for Hearing Scheduled held on 07/26/2007 09:00 AM: Hearing Vacated Defendant's Motion OTSC Re: Contempt
	HRSC	ANDERSON	Hearing Scheduled (Motion 08/21/2007 01:30 PM) Motion to Compel
7/20/2007	NOTC	ANDERSON	Notice of Hearing on Def's Motion to Compel
7/23/2007	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$17,895.04
7/30/2007	ORDR	ANDERSON	Order for Deposition Examination of Officer Bruseau c: Callahan, Lee
8/3/2007	STIP	ANDERSON	Stipulation to Continue Motion to Compel
8/6/2007	MOTN	CHYSELL	Motion for Approval of Fees for Investigator c: faxed to Judge Culet
	AFFD	CHYSELL	Affidavit of Jessie H. Garcia
	ORDR	CHYSELL	Order for Approval of Fees For Investigator-\$4492.50
	MOTN	CHYSELL	Motion for Approval of Fees for Defense Team Dr. Craig W. Beaver
	ORDR	CHYSELL	Order for Approval of Fees for Defense Team Dr. Craig W. Beaver \$250.00
	MOTN	CHYSELL	Motion for Approval of Fees for Defense Team Dr. Daniel Reisberg
	ORDR	CHYSELL	Order for Approval of Fees for Defense Team Dr. Daniel Reisberg \$2350.00
8/9/2007	ORDR	MARCIA	Order to continue, copy mailed to N Callahan and hand delivered to prosecutor.
	CONT	MARCIA	Continued (Motion 09/25/2007 09:00 AM) Motion to Compel
8/15/2007	HRVC	ANDERSON	Hearing result for Motion held on 09/25/2007 09:00 AM: Hearing Vacated Motion to Compel
	HRSC	ANDERSON	Hearing Scheduled (Motion 10/24/2007 09:00 AM) Motion to Compel 1/2 day hearing
		ANDERSON	Notice Of Hearing
8/16/2007	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$18,275.12
8/31/2007	NOCO	ANDERSON	Fifteenth Notice Of Compliance
9/4/2007	NOCO	ANDERSON	Sixteenth Notice Of Compliance
9/5/2007	NOCO	CHYSELL	Seventeenth Notice Of Compliance
	NOCO	CHYSELL	Notice Of Compliance to Specific Request for Discovery NOS 2-9 (amended)
9/12/2007	MOTN	CHYSELL	Motion for Payment of Attorney Fees c: DA
	AFFD	CHYSELL	Affidavit of Nancy L. Callahan c: DA
9/20/2007	ORDR	ANDERSON	Amended Scheduling Order Pursuant to Motion Hearing on July 19, 2007 c: Lee, Callahan, Bishop

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
9/28/2007	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$5037.00
10/9/2007	MOTN	ANDERSON	Motion for payment of attorney fees
	AFFD	ANDERSON	Affidavit of Nancy Callahan
10/10/2007	ORDR	ANDERSON	Order for payment of attorney fees Callahan \$2744.80
10/23/2007	STIP	ANDERSON	Stipulation to Vacate & Reset Hearing on Motion to Compel
	CONT	ANDERSON	Hearing result for Motion held on 10/24/2007 09:00 AM: Continued Motion to Compel 1/2 day hearing
10/24/2007	ORDR	ANDERSON	Order Vacating Motion Hearing and Resetting hearing on Motion to Compel c:PA,DA (Judge did not fill in date for new hearing)
11/1/2007	NOCO	ANDERSON	Eighteenth Notice Of Compliance
11/8/2007	MISC	ANDERSON	Declaration of Time and Charges for Attorney Fees Bishop
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Counsel Bishop \$11,271.13
11/20/2007	AFFD	ANDERSON	Affidavit of Nancy Callahan
	MOTN	ANDERSON	Motion for Payment of Attorney Fees
11/21/2007	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$7754.20
11/28/2007	NOCO	CHYSELL	Nineteenth Notice Of Compliance
12/3/2007	NOCO	ANDERSON	Twentieth Notice Of Compliance
	NOCO	CHYSELL	Twenty-First Notice Of Compliance
12/7/2007	AFFD	ANDERSON	Affidavit of Jesse Garcia
	MOTN	ANDERSON	Motion for Approval of Fees for Investigator
	ORDR	ANDERSON	Order for Approval of Fees for Investigator \$3411.75 Jesse Garcia
	MISC	ANDERSON	Declaration of Time and Charges for Attorney Fees
	MOTN	ANDERSON	Motion for Approval of Fees for Court Appointed Counsel
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Attorney Van Bishop \$12,932.00
12/12/2007	MOTN	ANDERSON	Motion for Payment of Attorney Fees
	AFFD	ANDERSON	Affidavit of Nancy Callahan
12/19/2007	HRSC	MARCIA	Hearing Scheduled (Motion 01/22/2008 09:00 AM) Discovery Motions NOTE: In Whatever room is available if court room is not.
12/20/2007	CONT	MARCIA	Continued (Hearing Scheduled 04/09/2008 09:00 AM) Voir Dire Jury Examination (prior to 12-19 this had been set for the 10th)o

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
12/24/2007	NOCO	CHYSELL	Twenty-Second Notice Of Compliance	Gregory M Culet
12/25/2007	MISC	ANDERSON	*Volume 5 started*	Gregory M Culet
1/2/2008	NOAP	ANDERSON	Notice Of Appearance by Rolf Kehne private counsel not court appointed	Gregory M Culet
	APER	ANDERSON	Defendant: Almaraz, Hector B Appearance Rolf M Kehne	Gregory M Culet
1/3/2008	MOTN	ANDERSON	Motion in Limine to Exclude or Limit Expert Testimony Re: the Reliability of Eyewitness Identification	Gregory M Culet
	MOTN	ANDERSON	Motion to Compel or in the alternative Motion in Limine to Exclude Certain Witnesses	Gregory M Culet
	MOTN	ANDERSON	Motion to Compel or in the alternative Motion in Limine to Exclude Def's Expert Witnesses	Gregory M Culet
1/7/2008	MOTN	ANDERSON	Motion for Approval of Fees for Expert Forensic Analytical	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Forensic Analytical \$750.00	Gregory M Culet
	MISC	ANDERSON	Declaration of Time & Charges for Attorney Fees	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Attorney	Gregory M Culet
1/9/2008	NOCO	ANDERSON	Twenty-Third Notice Of Compliance	Gregory M Culet
1/11/2008	NOCO	ANDERSON	Twenty-Fourth Notice Of Compliance	Gregory M Culet
1/15/2008	SUBR	CHYSELL	Subpoena Returned-JD Huff, Fruitland Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Stephanie Steele, Fruitland Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Victor Lugo, Fruitland Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Kent Sloan, Fruitland Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Officer Mallea, Ontario Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Captain Alexander, Ontario Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Officer Elizondo, Ontario Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Detective Atnip, Ontario Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Detective Almaraz, Ontario Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Officer Grimaldo, Ontario Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Officer Cooper, Ontario Police Dept.	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
1/15/2008	SUBR	CHYSELL	Subpoena Returned-John Esplin, Ontario Police Dept.
	SUBR	CHYSELL	Subpoena Returned-Larry Griggs
	SUBR	CHYSELL	Subpoena Returned-Andrew Willard, Ontario Police Dept.
	SUBR	CHYSELL	Subpoena Returned-Chief Kee, Ontario Police Dept.
	SUBN	CHYSELL	Subpoena Returned- NO FOUND, Tooper Morehead
1/16/2008	SUBR	CHYSELL	Subpoena Returned-Vanessa Delapena
	SUBR	CHYSELL	Subpoena Returned-Tom Overstreet
	ORDR	ANDERSON	Order for Payment of Attorney Fees - Callahan \$10,252.08
	SUBR	MARTIN	Subpoena Returned k sloan
	SUBR	MARTIN	Subpoena Returned d bruseau
	SUBR	MARTIN	Subpoena Returned d huff
	SUBR	MARTIN	Subpoena Returned s. steele
1/17/2008	SUBR	CHYSELL	Subpoena Returned-Kenneth Hust
	SUBR	CHYSELL	Subpoena Returned-Mendy Sherrell
1/22/2008	SUBR	CHYSELL	Subpoena Returned-Jeff Morford, Fruitland Police Dept.
	MOTN	ANDERSON	Motion for Appointment of Law Enforcement Expert Dean Muchow as Member of Defense Team
	MISC	ANDERSON	Def's Second response to Request for Discovery
	ORDR	ANDERSON	Order for Payment of Attny Fees Callahan \$17,695.43
	NOCO	CHYSELL	Twenty-Fifth Notice Of Compliance
	NOCO	CHYSELL	Twenty-Sixth Notice Of Compliance
	SUBR	CHYSELL	Subpoena Returned-Juan Jiminez
	MOTN	ANDERSON	Motion for Order Requiring NCIC Records on All Potential Witnesses
	MOTN	ANDERSON	Motion to Dismiss for Failure to Show Probable Cause at Preliminary Hearing
	MOTN	ANDERSON	Motion to Dismiss for Loss and Destruction of Evidence
	MOTN	ANDERSON	Motion for offer of Proof and Motion to Dismiss-Inability of State to Show Prima Facie Case of premeditation at Trial
	MISC	ANDERSON	Declaration of Time and Charges for Attny Fees Bishop
	MISC	ANDERSON	Order for Approval of Fees for Court Appointed Attorney Bishop \$11,511.50

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
1/22/2008	MOTN	ANDERSON	Motion for Approval of Fess for DTX	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for DTX Media	Gregory M Culet
	ORDR	ANDERSON	Order Appointing Defense Expert Witness Dean Muchow of Law Enforcement Training and Procedure	Gregory M Culet
	HRHD	ANDERSON	Hearing result for Motion held on 01/22/2008 09:00 AM: Hearing Held Motion to Compel Discovery	Gregory M Culet
	CONT	ANDERSON	Continued (Motion 02/06/2008 09:00 AM) Pretrial Motions	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
1/23/2008		ANDERSON	Notice Of Hearing	Gregory M Culet
1/24/2008	MOTN	ANDERSON	Motion	Gregory M Culet
	AFFD	ANDERSON	Affidavit	Gregory M Culet
	PETN	ANDERSON	Petition to Secure out of state witness	Gregory M Culet
	MOTN	ANDERSON	Motion for payment of witness fee Daniel Mata \$52.86	Gregory M Culet
	MOTN	ANDERSON	Motion	Gregory M Culet
	AFFD	ANDERSON	Affidavit	Gregory M Culet
	PETN	ANDERSON	Petition to Secure out of state witness	Gregory M Culet
	MOTN	ANDERSON	Motion for payment of witness fee Shawn Sivero \$54.06	Gregory M Culet
	MOTN	ANDERSON	Motion	Gregory M Culet
	AFFD	ANDERSON	Affidavit	Gregory M Culet
	PETN	ANDERSON	Petition to Secure out of state witness	Gregory M Culet
	MOTN	ANDERSON	Motion for payment of witness fee Gonzalo Mata \$57.21	Gregory M Culet
	MOTN	ANDERSON	Motion	Gregory M Culet
	AFFD	ANDERSON	Affidavit	Gregory M Culet
	PETN	ANDERSON	Petition to Secure out of state witness	Gregory M Culet
	MOTN	ANDERSON	Motion for payment of witness fees Samson Torres \$51.71	Gregory M Culet
	MOTN	ANDERSON	Motion	Gregory M Culet
	AFFD	ANDERSON	Affidavit	Gregory M Culet
	PETN	ANDERSON	Petition to Secure out of state witness	Gregory M Culet
	MOTN	ANDERSON	Motion for payment of witness fees Monica Martinez \$73.75	Gregory M Culet
	MOTN	ANDERSON	Motion	Gregory M Culet
	AFFD	ANDERSON	Affidavit	Gregory M Culet
	PETN	ANDERSON	Petition to Secure out of state witness	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
1/24/2008	MOTN	ANDERSON	Motion for payment of witness fees Priscilla Mata \$70.00 Gregory M Culet
	MOTN	ANDERSON	Motion Gregory M Culet
	AFFD	ANDERSON	Affidavit Gregory M Culet
	PETN	ANDERSON	Petition to Secure out of state witness Gregory M Culet
	MOTN	ANDERSON	Motion for payment of witness fees Fabian Mata \$70.00 Gregory M Culet
	MOTN	ANDERSON	Motion Gregory M Culet
	AFFD	ANDERSON	Affidavit Gregory M Culet
	PETN	ANDERSON	Petition to Secure out of state witness Gregory M Culet
	MOTN	ANDERSON	Motion for payment of witness fees Carolina Villegas \$70.00 Gregory M Culet
	MOTN	ANDERSON	Motion Gregory M Culet
	AFFD	ANDERSON	Affidavit Gregory M Culet
	PETN	ANDERSON	Petition to Secure out of state witness Gregory M Culet
	MOTN	ANDERSON	Motion for payment of witness fees Ismelda Longoria \$70.00 Gregory M Culet
	ORDR	ANDERSON	Order for Payment of Witness Fees Ismelda Longoria \$70 Gregory M Culet
	MISC	ANDERSON	Certificate to Secure Attendance of a witness from Outside the State of Idaho Ismelda Longoria Gregory M Culet
	ORDR	ANDERSON	Order for payment of witness fees Daniel Mata \$52.86 Gregory M Culet
	MISC	ANDERSON	Certificate to Secure Attendance of a witness from Outside the State of Idaho Daniel Mata Gregory M Culet
	ORDR	ANDERSON	Order for payment of witness fees Shawn Sivero Gregory M Culet
	MISC	ANDERSON	Certificate to Secure Attendance of a witness from Outside the State of Idaho Shawn Sivero \$54.06 Gregory M Culet
	ORDR	ANDERSON	Order for payment of witness fees Gonzalo Mata \$57.21 Gregory M Culet
	MISC	ANDERSON	Certificate to Secure Attendance of a witness from Outside the State of Idaho Gonzalo Mata Gregory M Culet
	ORDR	ANDERSON	Order for payment of witness fees Samson Torres \$51.71 Gregory M Culet
	MISC	ANDERSON	Certificate to Secure Attendance of a witness from Outside the State of Idaho Samson Torres Gregory M Culet
	ORDR	ANDERSON	Order for payment of witness fees Monica Martinez \$73.75 Gregory M Culet
	MISC	ANDERSON	Certificate to Secure Attendance of a witness from Outside the State of Idaho Monica Martinez Gregory M Culet
	ORDR	ANDERSON	Order for payment of witness fees Priscilla Mata \$70 Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
1/24/2008	MISC	ANDERSON	Certificate to Secure Attendance of a witness from Outside the State of Idaho Priscilla Mata	Gregory M Culet
	ORDR	ANDERSON	Order for payment of witness fees Fabian Mata \$70	Gregory M Culet
	MISC	ANDERSON	Certificate to Secure Attendance of a witness from Outside the State of Idaho Fabian Mata	Gregory M Culet
	ORDR	ANDERSON	Order for payment of witness fees Carolina Villegas \$70	Gregory M Culet
	MISC	ANDERSON	Certificate to Secure Attendance of a witness from Outside the State of Idaho Carolina Villegas	Gregory M Culet
	ORDR	ANDERSON	Order to produce hearing transcript on Def's Motion to Compel c:PA,DA,Roxanne Patchell	Gregory M Culet
	MISC	ANDERSON	**Volume 6 started**	Gregory M Culet
1/25/2008	NOCO	ANDERSON	Twenty-Seventh Notice Of Compliance	Gregory M Culet
1/28/2008	SUBR	CHYSELL	Subpoena Returned-Andrea Castellanoz-Nunez	Gregory M Culet
1/30/2008	AFFD	ANDERSON	Affidavit	Gregory M Culet
	MOTN	ANDERSON	Motion	Gregory M Culet
	MISC	ANDERSON	Petition to Secure out of State Witness	Gregory M Culet
	MOTN	ANDERSON	Motion for Payment of Witness Fees Franchelle Oviedo \$103.70	Gregory M Culet
	AFFD	ANDERSON	Affidavit	Gregory M Culet
	MOTN	ANDERSON	Motion	Gregory M Culet
	MISC	ANDERSON	Petition to Secure out of State Witness	Gregory M Culet
	MOTN	ANDERSON	Motion for Payment of Witness Fees Jason Motzkus \$103.30	Gregory M Culet
	AFFD	ANDERSON	Affidavit	Gregory M Culet
	MOTN	ANDERSON	Motion	Gregory M Culet
	MISC	ANDERSON	Petition to Secure out of State Witness	Gregory M Culet
	MOTN	ANDERSON	Motion for Payment of Witness Fees James maire \$195.15	Gregory M Culet
	AFFD	ANDERSON	Affidavit	Gregory M Culet
	MOTN	ANDERSON	Motion	Gregory M Culet
	MISC	ANDERSON	Petition to Secure out of State Witness	Gregory M Culet
	MOTN	ANDERSON	Motion for Payment of Witness Fees Cris Burton \$106.55	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-JD Huff, Fruitland Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Kent Sloan, Fruitland Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-David Bruseau, Fruitland Police Dept.	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Andy Creech, Payette County Sheriff's Office	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
1/30/2008	SUBR	CHYSELL	Subpoena Returned-Chris Hall, Fruitland Police dept.
	SUBR	CHYSELL	Subpoena Returned-Armando Landin
	SUBR	CHYSELL	Subpoena Returned-Danyel Joines, Payette County Sheriff's Office
	SUBR	CHYSELL	Subpoena Returned-William Stinnett
	SUBR	CHYSELL	Subpoena Returned-Terry Tams, Fruitland Police Dept.
	SUBR	CHYSELL	Subpoena Returned-Garry Toth, Payette Police Dept.
	SUBN	CHYSELL	Subpoena Returned- NO FOUND-William Viers
	SUBN	CHYSELL	Subpoena Returned- NO FOUND-Greg Suddereth
2/1/2008	MISC	ANDERSON	Certificate to Secure Attendance of a Witness from Outside the State of Idaho
	ORDR	ANDERSON	Order for Payment of Witness Fees Cris Burton \$106.55
	MISC	ANDERSON	Certificate to Secure Attendance of a Witness from Outside the State of Idaho
	ORDR	ANDERSON	Order for Payment of Witness Fees James Maire \$195.15
	MISC	ANDERSON	Certificate to Secure Attendance of a Witness from Outside the State of Idaho
	ORDR	ANDERSON	Order for payment of witness fees Jason Motzkus \$103.30
	MISC	ANDERSON	Certificate to Secure Attendance of a Witness from Outside the State of Idaho
	ORDR	ANDERSON	Order for Payment of Witness Fees Franchelle Oviedo \$103.70
	SUBR	CHYSELL	Subpoena Returned-Thomas Loa
2/4/2008	MISC	ANDERSON	St. opposition to motion to dismiss for lack of PC at the preliminary hearing
	MISC	ANDERSON	St. objection to motion to suppress evidence: eyewitness identification other than hust
	MISC	ANDERSON	St. opposition to motion to dismiss for loss & destruction of evidence
	MISC	ANDERSON	St. objection to motion to dismiss-inability of State to show prima facie case of premeditation
	MISC	ANDERSON	St. opposition to motion to suppress evidence of conversations recorded in violation of oregon law
	MISC	ANDERSON	St. objection to motion to suppress evidence: eyewitness identification by hust
2/5/2008	SUBR	CHYSELL	Subpoena Returned-Cindi Shaver, Payette County Paramedics
	SUBR	CHYSELL	Subpoena Returned-Kelly Wren

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
2/5/2008	SUBR	CHYSELL	Subpoena Returned-Randy Walker
	SUBR	CHYSELL	Subpoena Returned-Karen Walker
	SUBR	CHYSELL	Subpoena Returned-Dr. Tony Tesnolidek, Holy Rosary Medical Center
	SUBR	CHYSELL	Subpoena Returned-Janet Stinnett
	SUBR	CHYSELL	Subpoena Returned-Julie Stephens
	SUBR	CHYSELL	Subpoena Returned-James Stephens
	SUBR	CHYSELL	Subpoena Returned-William Snyder
	SUBR	CHYSELL	Subpoena Returned-Keith Schuller, Payette County Coronor
	SUBR	CHYSELL	Subpoena Returned-Connie Lake(George)
	SUBR	CHYSELL	Subpoena Returned-Dawna Peterson
	SUBR	CHYSELL	Subpoena Returned-Kelly Wren
	SUBR	CHYSELL	Subpoena Returned-Larry Griggs, Payette County Paramedics
2/6/2008	NOCO	ANDERSON	Twenty-Eighth Notice Of Compliance
	MISC	ANDERSON	St Objection to Motion for Disclosure of Impeachment & Exculpatory Evidence
	SUBR	CHYSELL	Subpoena Returned-Sgt. Rob Lindberg, Caldwell Police Dept.
	SUBR	CHYSELL	Subpoena Returned-A. Pittz, Caldwell Police Dept.
	SUBR	CHYSELL	Subpoena Returned-Dr. Glenn Grobin
	HRHD	ANDERSON	Hearing result for Motion held on 02/06/2008 09:00 AM: Hearing Held Pretrial Motions
	RESP	ANDERSON	Def's Rule 16 Response to Specific request for discovery-expert witness Daniel Reisberg
	NOTC	ANDERSON	Notice of Service of Def's Rule 16 response to specific request for discovery-Dean Muchow
	CMIN	ANDERSON	Court Minutes
2/7/2008	MOTN	CHYSELL	Motion for Transcript of Daniel Reisberg's Testimony
	HRSC	ANDERSON	Hearing Scheduled (Motion 02/11/2008 09:00 AM) Continued Pre-trial Motions
	ORDR	ANDERSON	Order for transcript of Daniel Reisberg's testimony c:PA,DA
	NOTC	ANDERSON	Notice of Service of Def's Rule 16 response to specific request for discovery-Daniel Reisberg
	CMIN	ANDERSON	Court Minutes
2/11/2008	HRHD	ANDERSON	Hearing result for Motion held on 02/11/2008 09:00 AM: Hearing Held Continued Pre-trial Motions
	CMIN	ANDERSON	Court Minutes

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
2/13/2008	NOCO	ANDERSON	Twenty-Ninth Notice Of Compliance	Gregory M Culet
	SUBN	CHYSELL	Subpoena Returned- NO FOUND-Stephanie Steele	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Stephanie Flores	Gregory M Culet
	SUBN	CHYSELL	Subpoena Returned- NO FOUND-Gene Ervast	Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Sandra Ferreira	Gregory M Culet
2/19/2008	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
	MOTN	ANDERSON	Motion to Produce Hearing Transcript on Pretrial Motion Hearings	Gregory M Culet
2/20/2008	HRSC	ANDERSON	Hearing Scheduled (Hearing Scheduled 02/20/2008 09:00 AM) Continued Pre-trial Motions	Gregory M Culet
	ORDR	ANDERSON	Order to Produce Transcript on Pretrial Motion Hearings c:PA,DA,Reporter	Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Hearing Scheduled 03/03/2008 09:00 AM) Continued Pre-trial Motions	Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Hearing Scheduled 03/18/2008 09:00 AM) Additional day for Initial Jury Selection	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
2/21/2008	HRHD	ANDERSON	Hearing result for Hearing Scheduled held on 02/20/2008 09:00 AM: Hearing Held Continued Pre-trial Motions	Gregory M Culet
	NOCO	ANDERSON	Thirtieth Notice Of Compliance	Gregory M Culet
	SUBR	ANDERSON	Subpoena Returned Vanessa Delgado	Gregory M Culet
2/22/2008	SUBR	CHYSELL	Subpoena Returned-Stephanie Steele, Fruitland Police Dept.	Gregory M Culet
2/25/2008	SUBR	CHYSELL	Subpoena Returned-Brian Irby	Gregory M Culet
2/26/2008	ORDR	ANDERSON	Order for Approval of Fees for Dr Daniel Reisberg \$5721.19	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Expert Dr. Daniel Reisberg	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Forensic Analytical \$4250.00	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Expert Forensic Analytical	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Gunn Investigations Dean Muchow \$5795.31	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Expert Dean Muchow	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Investigator Jessie Garcia \$4373.62	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
2/26/2008	MOTN	ANDERSON	Motion for Approval of Fees for Investigator
	AFFD	ANDERSON	Affidavit of Jessie Garcia
	ORDR	ANDERSON	Order for Approval of Fees for Court Appt Attny Bishop \$14,489.25
	MISC	ANDERSON	Declaration of Time & Charges for Attorney Fees
2/27/2008	NOCO	ANDERSON	Thirty-First Notice Of Compliance
2/28/2008	SUBR	CHYSELL	Subpoena Returned-Stephanie Steele, Fruitland Police Dept. served 2/26/08
	SUBR	CHYSELL	Subpoena Returned-Victor Lugo, Fruitland Police Dept. served 2/26/08
	MISC	ANDERSON	Reporter's Transcript of Motion Hearing 2/6/08
	MISC	ANDERSON	**Volume 6 ends** **March 3, 2008 Volume 7 begins**
3/3/2008	HRHD	ANDERSON	Hearing result for Hearing Scheduled held on 03/03/2008 09:00 AM: Hearing Held Continued Pre-trial Motions
	HRSC	ANDERSON	Hearing Scheduled (Motion 03/04/2008 09:00 AM) Continued Pre-trial Motions
	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$25,715.29
	MOTN	ANDERSON	Motion for Payment of Attorney Fees
	AFFD	ANDERSON	Affidavit of Nancy Callahan
	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$22,238.60
	SUBR	ANDERSON	Subpoena Returned David Bruseau FPD
	CMIN	ANDERSON	Court Minutes
3/4/2008	SUBN	CHYSELL	Subpoena Returned- NO FOUND
	NOCO	MARCIA	32nd Notice Of Compliance
	ORDR	ANDERSON	Order to Produce Transcript of 3/3/08 Motion Hearing c:PA,DA,Roxanne Patchell Tucker Assoc.
	ORDR	ANDERSON	Order to Produce Transcript of 3/4/08 Motion Hearing c:PA,DA,Deann Morris M&M reporting
	CMIN	ANDERSON	Court Minutes
3/5/2008	SUBR	CHYSELL	Subpoena Returned-Angel Elliott
	STIP	ANDERSON	Stipulation to Produce NCIC Reports for All State and Defense Witnesses
	ORDR	ANDERSON	Order to Produce NCIC Reports for All State and Defense Witnesses c:PA,DA
	NOCO	ANDERSON	Thirty-Third Notice Of Compliance
	CMIN	ANDERSON	Court Minutes

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
3/6/2008	HRHD	ANDERSON	Hearing result for Motion held on 03/04/2008 09:00 AM: Hearing Held Continued Pre-trial Motions
	HRSC	ANDERSON	Hearing Scheduled (Motion 03/18/2008 09:00 AM) Continued Pre-trial Motions
	ORDR	ANDERSON	Order to Produce Transcript of Pretrial Motion Hearing c:PA,DA,Laura Whiting reporter
	NOCO	ANDERSON	Thirty- Fourth Notice Of Compliance
3/7/2008	NOTC	CHYSELL	Notice of Withdrawl of Notice of Intent to seek Death Penalty
3/10/2008	SUBN	CHYSELL	Subpoena Returned- NO FOUND
	CONT	ANDERSON	Continued (Hearing Scheduled 04/14/2008 09:00 AM) Voir Dire Jury Examination
	HRVC	ANDERSON	Hearing result for Hearing Scheduled held on 03/25/2008 09:00 AM: Hearing Vacated Challenges to Jury Selection
	HRVC	ANDERSON	Hearing result for Hearing Scheduled held on 03/18/2008 09:00 AM: Hearing Vacated Additional day for Initial Jury Selection
	HRVC	ANDERSON	Hearing result for Hearing Scheduled held on 03/10/2008 09:00 AM: Hearing Vacated Initial Jury Selection, questionnaires to be given out and returned on those dates.
	HRSC	ANDERSON	Hearing Scheduled (Motion 03/11/2008 09:00 AM) State's Motion to Amend
	MISC	ANDERSON	Reporter Transcript of February 7, 2008 c:PA,DA
	MISC	ANDERSON	Clerk Minute Entry for telephone conference
	NOCO	MARCIA	35TH Notice Of Compliance
	NOCO	ANDERSON	Thirty-Sixth Notice Of Compliance
3/11/2008	HRHD	ANDERSON	Hearing result for Motion held on 03/11/2008 09:00 AM: Hearing Held State's Motion to Amend
	HRSC	ANDERSON	Hearing Scheduled (Hearing Scheduled 04/09/2008 09:00 AM) Initial Jury Questionnaire
	HRSC	ANDERSON	Hearing Scheduled (Hearing Scheduled 04/09/2008 01:00 PM) Initial Jury Questionnaire 50 jurors
	CMIN	ANDERSON	Court Minutes
	MISC	ANDERSON	Reporter's Transcript of Feb 11, 2008, proceedings c:PA,DA
3/12/2008	SUBR	ANDERSON	Subpoena Returned Thomas Salazar
	SUBR	ANDERSON	Subpoena Returned Trudi Johnson
	MISC	MARCIA	Return of Service, Melissa Lopez served 3-11-08
	SUBR	MARCIA	Subpoena Returned/Melissa Lopez
	VERD	ANDERSON	Verdict Form

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
3/14/2008	MISC	ANDERSON	Reporter's Transcript of 2-20-08 hearing c:PA,DA Gregory M Culet
3/18/2008	NOCO	MARTIN	Notice Of Compliance - 37th Gregory M Culet
	HRHD	ANDERSON	Hearing result for Motion held on 03/18/2008 09:00 AM: Hearing Held Continued Pre-trial Motions Gregory M Culet
	CMIN	ANDERSON	Court Minutes Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Expert Forensic Analytical Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Forensic Analytical \$1500.00 Gregory M Culet
3/19/2008	NOCO	CHYSELL	Thirty-Eighth Notice Of Compliance Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Priscilla Mata Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Ismelda Longoria Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Monica Martinez Gregory M Culet
	SUBR	CHYSELL	Subpoena Returned-Samson Torres Gregory M Culet
3/20/2008	MISC	ANDERSON	Reporter's Transcript of March 4, 2008 PreTrial Motion Hearing c:PA,DA Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Mitigation Specialist Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Mitigation Specialist \$25,995.00 Gregory M Culet
	MISC	ANDERSON	Declaration of Time and Charges for Attorney Fees Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Attorney Bishop \$28,486.63 Gregory M Culet
3/21/2008	MISC	ANDERSON	Reporter's Transcript of March 5, 2008 Pre-Trial Motions c:PA,DA Gregory M Culet
3/31/2008	AFFD	MARCIA	Affidavit OF SERVICE NO ORIG SUB RETURNED. NATALIE OROSCO Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript of March 3, 2008 hearing c:PA,DA Gregory M Culet
4/2/2008	NOTC	ANDERSON	Notice of Service of Def Fifth Supplemental Response to Request for Discovery Gregory M Culet
	CMIN	ANDERSON	Clerk Minute Entry from telephone conference Gregory M Culet
	MISC	ANDERSON	Jury Questionnaire Gregory M Culet
4/3/2008	MOTN	ANDERSON	Motion to Continue Gregory M Culet
	AFFD	ANDERSON	Affidavit in Support of Motion to Continue Gregory M Culet
	NOTC	ANDERSON	Notice of Service of Def's fifth supplemental response to request for discovery Gregory M Culet
4/4/2008	NOTC	ANDERSON	Notice of Hearing Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Motion 04/09/2008 09:00 AM) Motion to Continue Gregory M Culet
4/7/2008	NOCO	CHYSELL	Thirty-Ninth Notice Of Compliance Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
4/9/2008	MOTN	ANDERSON	Def. Motion for Appointment of Forensic Expert Pamela marcum as Member of defense team
	MISC	ANDERSON	Def Rul 16 c4 response to specific request for discovery expert pamela Marcum
	MOTN	ANDERSON	Motion for Approval of Fees for Investigator
	AFFD	ANDERSON	Affidavit of Jessie Garcia
	MOTN	ANDERSON	Motion for Approval of Fees for Investigator
	AFFD	ANDERSON	Affidavit of Jessie Garcia
	MOTN	ANDERSON	Motion for Approval of Fees for DTX
	MISC	ANDERSON	Declaration of Time and Charges for Attorney Fees Bishop
	ORDR	ANDERSON	Order for Approval of Fees for Investigator Jessie Garcia \$4118.25
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Attorney Bishop \$9062.50
	ORDR	ANDERSON	Order for Approval of Fees for DTX Media \$7650.00
	ORDR	ANDERSON	Order for Approval of Fees for Investigator Jessie Garcia \$1253.62
	CMIN	ANDERSON	Court Minutes
	HRHD	ANDERSON	Hearing result for Hearing Scheduled held on 04/09/2008 01:00 PM: Hearing Held Initial Jury Questionnaire 50 Jurors
	HRHD	ANDERSON	Hearing result for Motion held on 04/09/2008 09:00 AM: Hearing Held Motion to Continue
	HRHD	ANDERSON	Hearing result for Hearing Scheduled held on 04/09/2008 09:00 AM: Hearing Held Initial Jury Questionnaire 50 Jurors
4/11/2008	MOTN	MARCIA	Motion for payment of attorney fees
	AFFD	MARCIA	Affidavit of Nancy Callahan
	MISC	CHYSELL	Objection to Motion for Appointment of Forensic Expert, Pamela Marcum as Member of Defense Team.
	ORDR	CHYSELL	Order Appointing Forensic Expert, Pamela Marcum as Member of Defense Team
	CMIN	ANDERSON	Court Minutes
4/14/2008	AFFD	ANDERSON	Affidavit of Anne Marie Kelso in support of the State's Motion to Dismiss without prejudice, or in the alternative, Motion to reconsider motion to continue
	MOTN	ANDERSON	Motion to dismiss without prejudice or in the alternative, a motion to reconsider motion to continue
	CMIN	ANDERSON	Court Minutes

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
4/14/2008	HRHD	ANDERSON	Hearing result for Hearing Scheduled held on 04/14/2008 09:00 AM: Hearing Held Voir Dire Jury Examination
	MISC	ANDERSON	Volume 8 begins
4/15/2008	CMIN	ANDERSON	Court Minutes
4/16/2008	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$17,707.77
	STIP	ANDERSON	Stipulation for Admission of Certain Exhibits
4/17/2008	CMIN	ANDERSON	Court Minutes
4/18/2008	AFFD	ANDERSON	Affidavit of Anne Marie Kelso in Support of the St's Motion in Limine to Exclude the Testimony of Eleanor Salmon, Jaco M. Swanepoel and John Jacobson
	MOTN	ANDERSON	State's Motion in Limine to Exclude the testimony of Eleanor Salmon, Jaco M. Swanepoel and John Jacobson
4/19/2008	MISC	ANDERSON	Volume 8 begins
4/21/2008	MOTN	ANDERSON	Motion to produce hearing transcript on pretrial motion hearings
	MISC	ANDERSON	Def Almaraz's proposed preliminary instructions
	JTST	ANDERSON	Hearing result for Jury Trial held on 04/21/2008 09:00 AM: Jury Trial Started
	MISC	ANDERSON	Preliminary Jury Instructions
	ORDR	ANDERSON	Order to Produce Transcript on Pretrial Motion Hearings from 3/18/08 c:PA,DA,Ct. Rptr
	ORDR	ANDERSON	Order to Produce Transcript on Pretrial Motion Hearing from 2/6 & 2/7/08 c:PA,DA,Ct.Rptr
	ORDR	ANDERSON	Order to Produce Transcript of Opening Statements on 4/21/08 c:PA,DA,Ct Rptr
	CMIN	ANDERSON	Court Minutes
4/22/2008	NOCO	CHYSELL	Fortieth Notice Of Compliance
	AFFD	CHYSELL	Affidavit in Support of the Application for A Detention Warrant
	CMIN	ANDERSON	Court Minutes
4/23/2008	ORDR	ANDERSON	Detention Warrant for further fingerprinting of defendant
	CMIN	ANDERSON	Court Minutes
4/24/2008	CMIN	ANDERSON	Court Minutes
4/25/2008	SUBR	CHYSELL	Subpoena Returned-Anna Ponce
	CMIN	ANDERSON	Court Minutes
4/28/2008	CMIN	ANDERSON	Court Minutes
4/29/2008	CMIN	ANDERSON	Court Minutes
4/30/2008	NOCO	MARCIA	41st Notice Of Compliance

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
4/30/2008	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/1/2008	NOTC	MARCIA	Notice of Service of Defendant's 5th Supplemental Response to Request for discovery.	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/2/2008	NOCO	CHYSELL	Forty-Second Notice Of Compliance	Gregory M Culet
5/5/2008	MOTN	ANDERSON	Motion for Transcript	Gregory M Culet
	ORDR	ANDERSON	Order for Transcript of Thomas Salazar's Testimony c:PA,DA,Ct Rptr Whiting & Kreidler	Gregory M Culet
	NOCO	MARCIA	43rd Notice Of Compliance	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/6/2008	STIP	ANDERSON	Stipulation for Transcript	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/7/2008	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/8/2008	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/9/2008	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/12/2008	NOCO	CHYSELL	Forty-Fourth Notice Of Compliance	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/13/2008	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/14/2008	NOCO	CHYSELL	Forty-Fifth Notice Of Compliance	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/15/2008	NOCO	CHYSELL	Forty-Sixth Notice Of Compliance	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/16/2008	AFFD	ANDERSON	Affidavit of Jesse Garcia	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Investigator	Gregory M Culet
	MOTN	MARCIA	Motion for Order to Transport witness	Gregory M Culet
	ORDR	ANDERSON	Order to transport c:PA,DA,T. Hauntz PCSO	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/19/2008	ORDR	ANDERSON	Order for Approval of fees for Investigator \$4647.00	Gregory M Culet
	MOTN	ANDERSON	Motion in Limine to Exclude Certain Evidence	Gregory M Culet
	MOTN	ANDERSON	Motion in Limine to Require Defendant to Display Tattoo	Gregory M Culet
	MOTN	ANDERSON	Motion for Order to Transport Witness Juan Anthony Jimenez	Gregory M Culet
	ORDR	ANDERSON	Order to transport witness Juan Anthony Jimenez c:PA,DA,PCSO T. Hauntz	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/20/2008	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/21/2008	NOCO	CHYSELL	Forty-Seventh Notice Of Compliance	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
5/21/2008	NOCO	CHYSELL	Forty-Eighth Notice Of Compliance	Gregory M Culet
	NOCO	CHYSELL	Forty-Ninth Notice Of Compliance	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/22/2008	MISC	ANDERSON	Reporter's transcript received from March 18, 2008, hearing	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/23/2008	NOCO	CHYSELL	Fiftieth Notice Of Compliance	Gregory M Culet
	MOTN	ANDERSON	Motion in Limine to Exclude Defendant's Expert Witnesses Regarding David Cleverdon	Gregory M Culet
	ORDR	ANDERSON	Order to Produce Transcript of Jury Trial Witness Testimony c:PA,DA,Laura Whiting, Debora Kreidler	Gregory M Culet
	MOTN	ANDERSON	Motion for Transcript	Gregory M Culet
	ORDR	ANDERSON	Order for Transcript of David Cleverdon's Testimony c:PA,DA,Laura Whiting ct rprr	Gregory M Culet
	MOTN	ANDERSON	Motion in limine to Exclude Certain Expert Testimony Rylene Nowlin, Stacy Guess, and Donna Meade	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/28/2008	MOTN	CHYSELL	Motion for Transcript of Daniel Reisberg's Testimony	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
5/29/2008	ORDR	ANDERSON	Order for Transcript of Daniel Reisberg's Testimony c:PA,DA,D. Kreidler Court Reporter	Gregory M Culet
	MOTN	ANDERSON	Motion in Limine to Exclude certain Impeachment and/or Irrelevant Evidence	Gregory M Culet
	MOTN	ANDERSON	Motion for Issuance of Certificate to Secure Attendance of Out of State Witness in a Criminal Proceeding	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Nancy Callahan in Support of Motion for Issuance of Certificate to Secure Attendance of Out of State Witness in a Criminal Proceeding	Gregory M Culet
	ORDR	ANDERSON	Certificate to Secure Attendance of Witness from Out of State	Gregory M Culet
6/3/2008	CMIN	ANDERSON	Court Minutes	Gregory M Culet
	MISC	ANDERSON	****Volume 9 started****	Gregory M Culet
6/4/2008	MOTN	ANDERSON	St. Motion for Transcriprt of Samson Torres, Matthew Grover and Juan Anthony Jimenez	Gregory M Culet
	ORDR	ANDERSON	Order for Transcript of Samson Torres, Matthew Grover and Juan Anthony Jimenez	Gregory M Culet
6/5/2008	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
6/6/2008	NOTC	ANDERSON	Notice of Service of Def Seventh Supplemental Response to Request for Discovery	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
6/9/2008	CMIN	ANDERSON	Court Minutes	Gregory M Culet
6/10/2008	NOCO	CHYSELL	Fifty First Notice Of Compliance	Gregory M Culet
	NOCO	MARCIA	52nd Notice Of Compliance	Gregory M Culet
	ORDR	ANDERSON	Written Order Re: Motion to Dismiss for Loss and Destruction of Evidence - DENIED c:PA,DA	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
6/11/2008	MISC	ANDERSON	Reporter's Transcript Received from Hearing 2/6/08 and 2/7/08 c:PA,DA	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
	JRYI	ANDERSON	Final Jury Instructions	Gregory M Culet
6/12/2008	CMIN	ANDERSON	Court Minutes	Gregory M Culet
6/13/2008	ORDR	ANDERSON	Order for Presentence Investigation c:PSI writer w/ criminal history	Gregory M Culet
	FOGT	ANDERSON	Found Guilty After Trial	Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Sentencing 08/20/2008 09:00 AM) Murder 1st degree	Gregory M Culet
	CMIN	ANDERSON	Court Minutes	Gregory M Culet
6/17/2008	ORDR	ANDERSON	Order for payment of Attorney Fees Nancy Callahan \$24,417.85	Gregory M Culet
6/18/2008	ORDR	ANDERSON	Order for Approval of Fees for Pamela Marcum Forensic Scientist \$3600.00	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Expert Pam Marcum Forensic Scientist	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for DTX Media \$20,059.24	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for DTX	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Forensic Analytical \$2300.23	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Expert Forensic Analytical	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Attorney Van Bishop \$20,545.97	Gregory M Culet
	MISC	ANDERSON	Declaration of time and Charges of Attorney Fees	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for Investigator Jessie Garcia \$10,429.50	Gregory M Culet
	MOTN	ANDERSON	Motion for Approval of Fees for Investigator	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Jessie Garcia	Gregory M Culet
6/19/2008	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
6/24/2008	ORDR	CHYSELL	Order for Payment of Attorney Fees, Nancy Callahan - \$18,043.00	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
6/26/2008	MOTN	MARCIA	Motion for additional time to file Motion for New Trial. This paperwork mailed certified to Judge Culet along with the proposed order.
7/3/2008	ORDR	ANDERSON	Order Granting Additional Time to File Motion for New Trial c:PA,DA
7/11/2008	MISC	ANDERSON	Declaration of time and Charges for attorney fees
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Attorney Van Bishop \$19,265.75
7/16/2008	MOTN	ANDERSON	Motion to Withdraw as Counsel and Request for Hearing (Kehne)
	AFFD	ANDERSON	Affidavit in support of motion to withdraw
7/25/2008	MOTN	ANDERSON	Motion for Payment of Attorney Fees
	AFFD	ANDERSON	Affidavit of Nancy Callahan
	ORDR	ANDERSON	Order Granting Motion to Withdraw of Rolf Kehne
	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$7532.10
7/29/2008	MOTN	ANDERSON	Motion for preparation of reporter's transcript of trial
	MOTN	ANDERSON	Motion for New Trial
	MOTN	ANDERSON	Motion to Vacate and Continue Sentencing Hearing
7/30/2008	HRSC	ANDERSON	Hearing Scheduled (Motion 08/13/2008 09:00 AM) Telephonic Motion to Continue Court will initiate call
		ANDERSON	Notice Of Hearing
8/1/2008	MOTN	ANDERSON	Motion for Approval of Fees for Expert Pam Marcum Forsensic Scientist
	ORDR	ANDERSON	Order for Approval of Fees for Pamela Marcum Forensic Scientist \$2575.00
	MISC	ANDERSON	Declaration of Time and Charge for Attorney Fees
	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Attorney Van Bishop \$12,894.50
	MOTN	ANDERSON	Motion for Approval of Fees for Investigator
	AFFD	ANDERSON	Affidavit of Jessie Garcia
	ORDR	ANDERSON	Order for Approval of Fees for Investigator 10,764.37
	MOTN	ANDERSON	Motion for Approval of Fees for Expert Dr. Daniel Reisberg
	ORDR	ANDERSON	Order for Approval of Fees for Dr. Daniel Reisberg \$4383.83
	MOTN	ANDERSON	Motion for Approval of Fees for Expert Dean Muchow Gunn Investigations
	ORDR	ANDERSON	Order for Approval of Fees for Gunn Investigations Dean Muchow \$2155.00

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
8/1/2008	MOTN	ANDERSON	Motion for Approval of Fees for DTX	Gregory M Culet
	ORDR	ANDERSON	Order for Approval of Fees for DTX Media \$8468.75	Gregory M Culet
8/11/2008	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
8/12/2008	MISC	ANDERSON	State's Objection to Motion to Continue Sentencing	Gregory M Culet
8/13/2008	HRHD	ANDERSON	Hearing result for Motion held on 08/13/2008 09:00 AM: Hearing Held Telephonic Motion to Continue Court will initiate call	Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Sentencing 09/19/2008 10:00 AM) Murder 1st degree	Gregory M Culet
	CONT	ANDERSON	Continued (Hearing Scheduled 08/20/2008 11:00 AM) Telephonic Scheduling Conference	Gregory M Culet
		ANDERSON	Notice Of Hearing	Gregory M Culet
	CMIN	ANDERSON	Court Minutes 8/13/08	Gregory M Culet
8/14/2008	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$3378.10	Gregory M Culet
8/20/2008	HRHD	ANDERSON	Hearing result for Hearing Scheduled held on 08/20/2008 11:00 AM: Hearing Held Telephonic Status/Scheduling Conference	Gregory M Culet
	CONT	ANDERSON	Hearing result for Sentencing held on 09/19/2008 10:00 AM: Continued Murder 1st degree	Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Sentencing 09/26/2008 09:00 AM) Murder 1st degree	Gregory M Culet
		ANDERSON	Notice Of Hearing	Gregory M Culet
	CMIN	ANDERSON	Clerk Minute Entry from 8/20/08	Gregory M Culet
8/21/2008	ORDR	ANDERSON	Order Continuing Sentencing Hearing to 9/26/08 c:PA,DA	Gregory M Culet
	ORDR	ANDERSON	Order to Produce Jury Trial Transcripts c:PA,DA,Ct. Reporters Whiting & Kreidler	Gregory M Culet
8/25/2008	HRSC	ANDERSON	Hearing Scheduled (Motion 02/04/2009 09:00 AM) Defense Post-trial Motions	Gregory M Culet
9/4/2008	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
9/8/2008	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$1128.86	Gregory M Culet
9/25/2008	NOTC	ANDERSON	Notice of Filing Def's Presentance Mitigation Summary	Gregory M Culet
	MISC	ANDERSON	****Volume 10 started****	Gregory M Culet
9/26/2008	STAT	ANDERSON	STATUS CHANGED: closed pending clerk action	Gregory M Culet
	SNPF	ANDERSON	Sentenced To Pay Fine 97.50 charge: I18-4001-I Murder I	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
9/26/2008	HRHD	ANDERSON	Hearing result for Sentencing held on 09/26/2008 09:00 AM: Hearing Held Murder 1st degree
	SNIC	ANDERSON	Sentenced To Incarceration (I18-4001-I Murder I) Confinement terms: Penitentiary determinate: 40 years.
	OTST	ANDERSON	Other Sentencing Information: Life sentence.
	MISC	ANDERSON	PSI Report
			Document sealed
	COMM	ANDERSON	Commitment - Held To Answer c:PA,DA,PCSO
	NOTD	ANDERSON	Notice to Defendant Upon Sentencing c:PA,DA
	JDMT	ANDERSON	Judgment & Commitment c:PA,DA,PCSO,IDOC fax/mld
	CRDT	ANDERSON	Credit for Time Served c:PA,DA,IDOC
	CMIN	ANDERSON	Court Minutes
	DCHH	ANDERSON	District Court Hearing Held Court Reporter: Laura Whiting Number of Transcript Pages for this hearing estimated: 3 hour hearing
10/3/2008	MOTN	ANDERSON	Motion for Payment of Attorney Fees
	AFFD	ANDERSON	Affidavit of Nancy Callahan
10/10/2008	ORDR	ANDERSON	Order for Approval of Fees for Mitigation Specialist \$8391.25
	MOTN	ANDERSON	Motion for Approval of Fees for Mitigation Specialist
	ORDR	ANDERSON	Order for Approval of Fees Van Bishop \$6780.50
	MISC	ANDERSON	Declaration of Time and Charges for Attorney Fees
10/14/2008	ORDR	ANDERSON	Order for Paymnet of Attorney Fees Callahan \$1452.40
10/15/2008	MISC	ANDERSON	Reporter's Transcript April 29, 2008
	MISC	ANDERSON	Reporter's Transcript April 23, 2008
	MISC	ANDERSON	Reporter's Transcript April 22, 2008
	MISC	ANDERSON	Reporter's Transcript April 24, 2008
	MISC	ANDERSON	Reporter's Transcript April 21, 2008
10/24/2008	MISC	ANDERSON	Reporter's Transcript April 25, 2008
	MISC	ANDERSON	Reporter's Transcript April 28, 2008
	MISC	ANDERSON	Reporter's Transcript April 30, 2008
	MISC	ANDERSON	Reporter's Transcript May 5, 2008
10/31/2008	NTOA	ANDERSON	Notice Of Appeal
	MOTN	ANDERSON	Motion & Affidavit for Permission to Proceed On Partial Payment of Court Fees
	APSC	ANDERSON	Appealed To The Supreme Court

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
11/4/2008	MISC	ANDERSON	Clerk's Certificate of Appeal	Gregory M Culet
11/7/2008	MISC	CHYSELL	Reporter's Transcript May 1, 2008	Gregory M Culet
	MISC	CHYSELL	Reporter's Transcript May 6, 2008	Gregory M Culet
	MISC	CHYSELL	Reporter's Transcript May 8, 2008	Gregory M Culet
	MISC	CHYSELL	Reporter's Transcript May 13, 2008	Gregory M Culet
	MISC	CHYSELL	Reporter's Transcript May 15, 2008	Gregory M Culet
11/10/2008	ORDR	CHYSELL	Order for Payment of Attorney Fees - Nancy L. Callahan, \$333.25 c:DA, Donna Oakes	Gregory M Culet
11/13/2008	ORDR	ANDERSON	Order Appointing State Appellate Public Defender in Direct Appeal c: PA, Molly Huskey, Defendant, ISC	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 16, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 20, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 22, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 23, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 23, 2008 Witness David Cleverdon	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 28, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 29, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript June 9, 2008	Gregory M Culet
11/14/2008	MISC	ANDERSON	Reporter's Transcript April 23, 2008 Stephanie Steele	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript April 28, 2008 Connie Lake	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript April 25 & 28, 2008 Tommy Salazar	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 5 & 12, 2008 Grant Fredericks	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 14, 2008 Armando Landin	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 14, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 7, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 9, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 12, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 12, 2008 Kenneth Hust	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 19, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 21, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript June 10, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 21, 2008 Matthew Grover	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript May 21, 2008 Juan Anthony Jimenez	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
11/18/2008	MISC	ANDERSON	Reporter's Transcript June 11, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript June 12, 2008	Gregory M Culet
	MISC	ANDERSON	Reporter's Transcript June 13, 2008	Gregory M Culet
11/20/2008	MOTN	ANDERSON	Motion for Reconsideration from defendant prose c:PA,DA	Gregory M Culet
	MISC	ANDERSON	Brief in Support of Motion for Reconsideration c:PA,DA	Gregory M Culet
11/25/2008	NOAP	ANDERSON	Notice Of Appearance by Rolf Kehne	Gregory M Culet
	NOTC	ANDERSON	Notice of Telephonic Status Conference	Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Status 12/09/2008 01:30 PM) Telephonic Status Conference	Gregory M Culet
12/5/2008	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
12/8/2008	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$4631.51	Gregory M Culet
12/9/2008	HRHD	ANDERSON	Hearing result for Status held on 12/09/2008 01:30 PM: Hearing Held Telephonic Status Conference	Gregory M Culet
12/15/2008	ORDR	ANDERSON	Order Withdrawing Previous Order Appointing State Appellate Public Defender c:Lee,ISC,Attny General, defendant,State Appellate Public Defender	Gregory M Culet
12/19/2008	MISC	ANDERSON	Chamber Minutes from hearing 12/9/08 c:PA,DA	Gregory M Culet
1/5/2009	ORDR	ANDERSON	Amended Scheduling Order and notice of Hearing on Def's Motion for New Trial	Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Motion 05/04/2009 09:00 AM) Motion for New Trial (second set)	Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Motion 06/04/2009 09:00 AM) Motion for New Trial (first set)	Gregory M Culet
1/9/2009	MOTN	ANDERSON	Motion for Payment of Attny Fees	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
1/14/2009	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$2333.98	Gregory M Culet
1/16/2009	ORDR	ANDERSON	Order Conditionally Dismissing Appeal from ISC	District Court Clerks
2/4/2009	HRVC	ANDERSON	Hearing result for Motion held on 02/04/2009 09:00 AM: Hearing Vacated Defense Post-trial Motions	Gregory M Culet
2/6/2009	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
2/11/2009	MISC	ANDERSON	Reporter's Partial Transcript from 4/15/08	Gregory M Culet
2/26/2009	MEMO	ANDERSON	Defendant's Memorandum In Support of New Trial	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
3/6/2009	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
3/12/2009	ORDR	ANDERSON	Order for Payment of Attorney Fees for January \$8176.00 to Nancy Callahan	Gregory M Culet
	ORDR	ANDERSON	Order for Payment of Attorney Fees for February \$11,132.75 to Nancy Callahan	Gregory M Culet
4/1/2009	MISC	ANDERSON	St's Objection to Motion for a New Trial	Gregory M Culet
4/7/2009	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
4/20/2009	MISC	ANDERSON	Objection to Consideration of Affidavits from Jurors-Motion to Strike	Gregory M Culet
	MEMO	ANDERSON	Def's Reply Memorandum in Support of New Trial	Gregory M Culet
4/21/2009	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$45.90	Gregory M Culet
4/29/2009	HRVC	ANDERSON	Hearing result for Motion held on 05/04/2009 09:00 AM: Hearing Vacated Motion for New Trial (second set)	Gregory M Culet
		ANDERSON	Notice Of Hearing	Gregory M Culet
5/6/2009	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
5/20/2009	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$7224.00	Gregory M Culet
5/22/2009	AFFD	ANDERSON	Affidavit of Restitution	Gregory M Culet
5/28/2009	STIP	ANDERSON	Stipulation to Continue	Gregory M Culet
5/29/2009	ORDR	ANDERSON	Order Continuing June 4 Hearing c:PA,DA	Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Motion 06/19/2009 01:00 PM) Motion for New Trial (first set)	Gregory M Culet
	HRSC	ANDERSON	Hearing Scheduled (Motion 07/23/2009 01:00 PM) Motion for New Trial (alternative setting)	Gregory M Culet
	CONT	ANDERSON	Hearing result for Motion held on 06/04/2009 09:00 AM: Continued Motion for New Trial (first set)	Gregory M Culet
6/3/2009	ORDR	ANDERSON	Order Title from ISC-Appeal Dismissed	Gregory M Culet
6/10/2009	MOTN	ANDERSON	Motion for Payment of Attorney Fees	Gregory M Culet
	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
	MISC	ANDERSON	Waiver of Presence	Gregory M Culet
6/15/2009	HRVC	ANDERSON	Hearing result for Motion held on 07/23/2009 01:00 PM: Hearing Vacated Motion for New Trial (alternative setting)	Gregory M Culet
6/18/2009	ORDR	ANDERSON	Order for Approval of Fees for Court Appointed Attorney Van Bishop \$6144.25	Gregory M Culet

State of Idaho vs. Hector B Almaraz

Date	Code	User	Judge
6/18/2009	MISC	ANDERSON	Declaration of Time and Charges of Attorney Fees Van Bishop
6/19/2009	ORDR	ANDERSON	ISC Order withdrawing Dismissal Notice and Suspending Appeal Pending District Court Proceedings
	HRHD	ANDERSON	Hearing result for Motion held on 06/19/2009 01:00 PM: Hearing Held Motion for New Trial (first set)
	ORDR	ANDERSON	Order of Restitution c:PA,DA, Crime Victims
	RESO	ANDERSON	Restitution Ordered 5645.24 victim # 1
	CMIN	ANDERSON	Court Minutes
	DCHH	ANDERSON	District Court Hearing Held Court Reporter: Debora Kreidler Number of Transcript Pages for this hearing estimated:
6/25/2009	MOTN	ANDERSON	Motion for Preparation of Reporter Transcripts at Public Expense
7/9/2009	ORDR	CHYSELL	Order Denying Defendant's Motion for a New Trial-DENIED c:PA, Callahan, Van Bishop
7/13/2009	ORDR	ANDERSON	Order to Produce Transcript on Pretrial Motion Hearings -DENIED c:PA,DA
7/31/2009	ORDR	ANDERSON	Order for Payment of Attny Fees Callahan \$3186.58
8/13/2009	AFFD	ANDERSON	Affidavit of Nancy Callahan
	MOTN	ANDERSON	Motion for Payment of Attorney Fees
8/14/2009	NOTC	ANDERSON	prose Notice of Appeal (ISC said they will consider it an amended notice of appeal)
	MOTN	ANDERSON	Motion and Affd for Permission to Proceed on Partial Payment of Court Fees
	MOTN	ANDERSON	Motion and Affd in Support for Appointment of Counsel
	NOTC	ANDERSON	Notice of Appeal (filed by Nancy Callahan)
	MISC	ANDERSON	Amended Clerk's Certificate
	MISC	ANDERSON	****End of Volume 10****
	STAT	ANDERSON	STATUS CHANGED: inactive
8/18/2009	MISC	ANDERSON	****Start of Volume 11****
8/19/2009	ORDR	ANDERSON	Order Appointing State Appellate Public Defender and Order Permitting withdrawal of Trial Counsel
	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$759.50
8/28/2009	ORDR	ANDERSON	Order Amending Order Permitting Withdrawal of Counsel and Appointment of One Attorney for Rule 35. c:Defendant, Brian Lee, Attorney General, Callahan, Bishop, Molly Huskey
9/11/2009	MOTN	ANDERSON	Motion for Payment of Attorney Fees

State of Idaho vs. Hector B Almaraz

Date	Code	User		Judge
9/11/2009	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
	MISC	ANDERSON	Transcript on Appeal received Deann Morris M&M Court reporting	Gregory M Culet
9/21/2009	MISC	ANDERSON	Transcript on Appeal received Debora Kreidler 3/18/08, 4/17/08, 6/19/09	Gregory M Culet
9/23/2009	NOTC	ANDERSON	Amended Notice of Appeal	Gregory M Culet
	MISC	ANDERSON	Second Amended Clerk's Certificate of Appeal	Gregory M Culet
9/29/2009	MOTN	ANDERSON	Motion to Strike Amended Notice of Appeal from Attorney General	Gregory M Culet
10/26/2009	MISC	ANDERSON	Transcript on Appeal received Debora Kreidler 4/21/08, 4/22/08, 4/24/08	Gregory M Culet
10/30/2009	MISC	ANDERSON	Transcript on Appeal received 3/11/08, 1/16/09, 2/2/09	Gregory M Culet
11/2/2009	ORDR	ANDERSON	Order for Payment of Attorney Fees \$1054.38 Nancy Callahan	Gregory M Culet
11/5/2009	MISC	ANDERSON	Transcript on Appeal received from Tucker 1/22/08, 2/6/08, 2/7/08, 2/11/08, 2/20/08, 3/3/08, and 3/5/08	Gregory M Culet
11/6/2009	MISC	ANDERSON	Rule 35 ICR Motion for Reduction of Sentence	Gregory M Culet
11/12/2009	AFFD	ANDERSON	Affidavit of Nancy Callahan	Gregory M Culet
	MOTN	ANDERSON	Motion for Payment of Attny Fees	Gregory M Culet
	ORDR	ANDERSON	Order for Payment of Attorney Fees Callahan \$56.00	Gregory M Culet
11/18/2009	MISC	ANDERSON	State's Objection to Def's Motion to Reduce Sentence	Gregory M Culet

APR 25 2006

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room #105
Payette, ID 83661
(208) 642-6096
(208) 642-6099 (facsimile)

BETTY J. DRESSEN, CLERK
BY  DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	Case No.: <i>CR. 2006. 1324</i> COMPLAINT - CRIMINAL <i>ORIGINAL</i>
Plaintiff,)	
v.)	
HECTOR B. ALMARAZ,)	
Defendant.)	
)	
)	

STATE OF IDAHO)
: ss:
County of Payette)

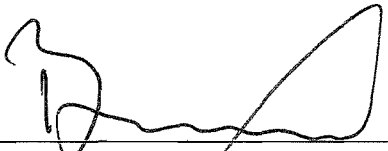
Brian Lee, Prosecuting Attorney, in and for the County of Payette, State of Idaho, hereby informs the Court that the Defendant, **HECTOR B. ALMARAZ**, is accused by this complaint of the crime of **Murder in the First Degree, I.C. 18-4001, 18-4003 (FELONY)**, said crime being committed as follows:

That the Defendant, HECTOR B. ALMARAZ, on or about the 23rd day of April, 2006, in the County of Payette, State of Idaho, did willfully, unlawfully, deliberately, with premeditation, and with malice aforethought, kill and murder Gabriel James Flores, a human being, by shooting Gabriel James Flores in the back with a hand gun from which he died, which is a violation of **I.C. 18-4001, 18-4003, Murder in the First Degree, (FELONY)**.

All of which is contrary to the form of the statute and against the peace and

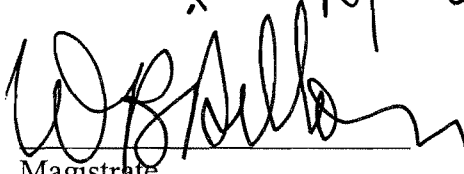
dignity of the State of Idaho.

WHEREFORE, the Complainant asks that the Defendant be dealt with according to law.



Brian Lee
Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 25 day of April, 2006,
evidence having been presented by affidavit.



Magistrate

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE
MAGISTRATE DIVISION

THE STATE OF IDAHO,)

Case No. _____
(to be assigned by Clerk)

PLAINTIFF,)

PROBABLE CAUSE AFFIDAVIT

vs.)

ALMARAZ, HECTOR BRITO JR.
DEFENDANT)

State of Idaho, County of Payette ss.

Det. Sgt. J.D. Huff, the undersigned, being first duly sworn on oath, deposes and says:

1. I am a peace officer employed by The Fruitland Police Department.
2. The Defendant was arrested on April 23, 2006, at 02:19 a.m. for the crime(s) of:

Murder, Idaho Code 18-4001 Felony


, Idaho Code Misdemeanor

, Idaho Code Misdemeanor

, Idaho Code Misdemeanor

3. The crime(s) occurred in the City of Fruitland, Payette County, Idaho.
4. How was the defendant identified?
verbal admission to L/E and past contacts
5. The crime(s) was committed in my presence. No
6. I believe that there is probable cause to believe the defendant committed such crime(s) because of the following facts. (Note: You must state the source of all information provided below. State what you observed and what you learned from someone else, identifying that person): see attached police report

Dated April 25, 2006 Signed:


Affiant

Subscribed and sworn to before me on

April 25, 2006


Lisa M. Saito

or

Notary Public for Idaho

Residing at: Malheur County
OR

Person authorized to administer
oaths.

Title:

My Commission expires: 04.10.2008

LISA M. SAITO
NOTARY PUBLIC
STATE OF IDAHO

Fruitland Police Department

Supplemental Narrative

2006-02454

Probable Cause

Officer: Detective JD Huff

On April 23, 2006, at approximately 0219 hours, a shooting took place at the Club 7 Bar in Fruitland, Idaho, County of Payette. Hector B Almaraz did commit the murder of Gabriel Flores by shooting Flores in the back with a 45-caliber handgun resulting in his death less than an hour later.

Almaraz entered the Club 7 bar carrying a 45-caliber handgun, which was concealed in his waistband. During the course of the evening Almaraz danced with Natalie Orosco who later provided a verbal statement. Orosco told me that she was at the Club 7 Bar and danced with Almaraz approximately 10 minutes prior to the shooting. Orosco said that she felt the gun. Orosco also told me that she was dancing close to Almaraz and noted that he did not have gloves on. Orosco indicated that she felt the large metal object in the front of his Almaraz's pants and that she knows Almaraz, as she grew up with Almaraz in Nyssa Oregon.

Moments later, A fight ensued between Almaraz, Gabriel Flores, and several other individuals. After screening the surveillance video of the incident, it is clear that during the fight with Flores, Almaraz removed himself from the altercation and gained a position of advantage for the shooting. As Flores was assisted to his feet, he moved forward, at which point Almaraz shot Flores in the back and ran from the bar, bent over at the waist, apparently in an attempt to avoid detection by video surveillance.

Carolina Villegas (eye witness) issued a written and verbal statement to the fact that she observed Almaraz wearing full finger black gloves at the time she observed him point and fire the handgun. Villegas also indicated that she observed the muzzle flash but could not tell who Almaraz was firing at. The video evidence corroborated Villegas's statement.

Monica Martinez issued a verbal statement to the fact that after the shooting Almaraz and Salazar went to Armando Landin's residence (659 SE 2nd St. Ontario, Or.) Martinez heard Salazar say "we finally got him", at which time Almaraz laughed and nodded his head in agreement.

Based on my review of the video evidence, it is clear to me that Almaraz is the person that shot Gabriel Flores. It is also clear that Almaraz planned the shooting, as he had a handgun at the Club 7 Bar and it is often the case that a person will wear gloves to conceal blood, fingerprint, and or gunshot residue evidence. Further, it is clear from the video evidence that Almaraz took the time to gain a position of advantage prior to the shooting.

Supervisor: _____

7L0100WA,MRI2830900I
7L0100WA,MRI2830900
ID0380001

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
INQUIRY ON NAM/ALMARAZ,HECTOR B SEX/M RAC/W DOB/[REDACTED] PUR/C
NAME FBI NO. INQUIRY DATE

ALMARAZ,HECTOR 444183CB9 2006/04/25

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE	PHOTO
M	W	[REDACTED]	503	130	BRO	BLK	OREGON	N

FINGERPRINT CLASS	PATTERN CLASS
PI PI PI PM PO	WU WU WU WU WU WU WU WU WU WU
DI PM PI PI CI	LS

ALIAS NAMES
ALMARAZ,HECTOR BRITO ALMARAZ,HECTOR BRITO JR

SCARS-MARKS-
TATTOOS SOCIAL SECURITY
TAT FACE [REDACTED]
TAT L ARM
TAT L FGR
TAT L HND
TAT L SHLD
TAT L WRS
TAT LF ARM

IDENTIFICATION DATA UPDATED 2006/03/13

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING:

IDAHO	- STATE ID/ID00238847
OREGON	- STATE ID/OR11808843

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

THE FOLLOWING IS IN RESPONSE TO YOUR INQUIRY ON
NAM/ALMARAZ, HECTOR B .DOB/[REDACTED].SEX/M.SOC/

*** THE ABOVE NAMED SUBJECT MAY BE THE SAME AS ***
*** OUR IDAHO CRIMINAL HISTORY ON ***

NAME	DOB	RAC	SEX	SID
->ALMARAZ, HECTOR BRITO JR	[REDACTED]	W	M	ID00238847

*** FOR A COMPLETE CRIMINAL HISTORY, DO A ***
*** CORRESPONDING FQ TRANSACTION. ***

NOTICE -- THE RESPONSE TO YOUR REQUEST FOR A CRIMINAL
HISTORY RECORD CHECK IS BASED ON A REVIEW OF THE STATE
OF IDAHO'S DATA BASE ONLY. THIS DOES NOT PRECLUDE THE
POSSIBLE EXISTENCE OF A RECORD IN A LOCAL AGENCY,
(SHERIFF'S OFFICE OR POLICE DEPARTMENT), A STATE OTHER
THAN IDAHO OR THE FBI IDENTIFICATION DIVISION FILES.

IR.ORSIR0000

10:26 04/25/2006 98032

10:26 04/25/2006 13765 ID0380001

*MRI2830889

TXT

PUR/C.ATN/DET PLAZA PPD.NAM/ALMARAZ, HECTOR B.DOB/[REDACTED].SEX/M.RAC/W
THE SUBJECT OF YOUR INQUIRY MAY BE:

BASED ON --DOB, NAM

* MULTI-SOURCE OFFENDER-MAKE NCIC-III INQUIRY FOR NON-OREGON RECORDS *

SID/OR11808843 FBI/444183CB9

NAM/ALMARAZ, HECTOR DOB/[REDACTED] SEX/M RAC/W POB/

HGT/503 WGT/130 HAIR/BLACK EYE/BROWN FPC/PIPIPIPMPODIPMPICICI

BASED ON --DOB, AKA

SID/OR12501287

NAM/LEAL-ARRIAGA, ALVARA DOB/[REDACTED] SEX/M RAC/W POB/MX

HGT/507 WGT/140 HAIR/BLACK EYE/BROWN FPC/

* ADDITIONAL IDENTIFIERS *

AKA/ALMARAZ, HECTOR/ARRIAGO, ALVARO LEAL

IF THE SUBJECT OF YOUR INQUIRY IS 'ARRESTED' - SUBMIT STATE AND FBI ARREST
FINGERPRINT CARDS TO OSP IDENTIFICATION SERVICES SECTION TO ESTABLISH A STATE
AND FBI CRIMINAL HISTORY RECORD.

OREGON STATE POLICE

IDENTIFICATION SERVICES SECTION

3772 PORTLAND ROAD NE

SALEM, OREGON 97303-2550

OR0SBI000 (503) 378-3070

CR.ORIII0000
10:27 04/25/2006 98053
10:27 04/25/2006 13773 ID0380001
TXT
HDR/2L0100WA,MRI2830923
ATN/DEP ESTES
PART 1
OREGON CCH RECORD FOR SID/11808843
* MULTI-SOURCE OFFENDER-MAKE NCIC-III INQUIRY FOR NON-OREGON RECORDS *
SID/OR11808843 FBI/444183CB9
NAM/ALMARAZ,HECTOR DOB/[REDACTED] SEX/M RAC/W POB/
HGT/503 WGT/130 HAIR/BLACK EYE/BROWN FPC/PIPIPIPMPODIPMPICPI
ARREST #01 1996/02/16-J OR0230000-S0 MALHEUR COUNTY FPN/19900122
NAME USED/ALMARAZ,HECTOR OCA/12360
01 ORS 164.405 ROBBERY 2ND DEG
ENTERED 1996/05/08 LAST UPDATED 1997/06/10
*** END OF RECORD ***

- IDAHO CRIMINAL HISTORY -

THE SUBJECT OF THIS CRIMINAL RECORD INQUIRY HAS BEEN CONVICTED OF A
FELONY CRIME AS DEFINED BY IDAHO CODE 18-111 AND 18-111A.

INDIVIDUAL MAY BE PROHIBITED FROM POSSESSING OR AQUIRING FIREARM OR
AMMUNITION PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968 AND IDAHO CODE 18-310.

NAME	SOC	STATE ID	FBI NO
ALMARAZ,HECTOR BRITO JR	[REDACTED]	00238847	444183CB9
RACE SEX DOB HEIGHT WEIGHT EYES HAIR SKIN			
W M [REDACTED] 504 180 BRO BLK			
COB POB	III	MULTI-ST	
US ONTARIO OR	Y	Y	

EXTENDED INFORMATION

IXDT TYPE	NUMBER
SMT	TAT L HND TAT L FGR TAT L WRS TAT LF ARM
SMT	TAT L ARM TAT L SHLD TAT L CHK

ALIAS NAMES

AKA	DOB	RACE	SEX
BRITO,HECTOR ALMARAZ JR	[REDACTED]	W	M
BRITO ALMARAZ,HECTOR JR	[REDACTED]	W	M
ALMARAZ BRITO,HECTOR JR	[REDACTED]	W	M

ARRESTS AND DISPOSITIONS

ARREST DATE: 03-10-2006 ORI: ID0420200 AGENCY: TWIN FALLS PD
CASE:
CHARGE: (F) UNLAWFUL POSS/USE PEYOTE COUNTS: 1
COURT: ID024015J CASE: DATE:
CHARGE: (F) CONT SUBS POSS/DEL/MANUF COUNTS: 1
DISP/SENT: NOT FILED.
**REMARKS: prosecution declined fax 3/28/06

ARREST DATE: 01-04-1999 ORI: ID0140000 AGENCY: CANYON CO SHERIFF
CASE: 9900050
CHARGE: (F) PROB VIOL/AGG ASSAULT COUNTS: 1

ARREST DATE: 07-28-1998 O. : ID0140000 AGENCY: CANYON CO SHERIFF
CASE: 55013
CHARGE: (F) AGG ASSAULT ON L/E OFFICER COUNTS: 1
COURT: ID044015J CASE: DATE: 07-28-1998
CHARGE: (F) AGG ASSAULT ON L/E OFFICER COUNTS: 1
DISP/SENT: DETERMINATE-3Y. INDETERMINATE-5Y. COURT JURIS-180D.
PRISON-07-28-1998.

THIS RECORD MAY BE USED ONLY FOR CRIMINAL JUSTICE PURPOSES AS DEFINED BY THE

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room #105
Payette, ID 83661
(208) 642-6096
(208) 642-6099 (facsimile)

FILED
THIRD JUDICIAL DISTRICT COURT
PAYETTE COUNTY, IDAHO

APR 26 2006

BETTY J. DRESSEN, CLERK
BY  DEPUTY

RECEIVED
PAYETTE SHERIFF

APR 25, 06

HR 15 30 P M
PAYETTE COUNTY, IDAHO

ORIGINAL

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	Case No.: CR-2006-1324
Plaintiff,)	
v.	)	WARRANT OF ARREST
HECTOR B. ALMARAZ,	)	BOND: \$ No Bail
Defendant.)	

THE PEOPLE OF THE STATE OF IDAHO

To any Sheriff, Constable, Marshall or Policeman:

A complaint under oath having been filed in this case by Brian Lee Attorney, charging that the crime of **Murder in the First Degree, I.C. 18-4001, 18-4003, (FELONY)** has been committed within the jurisdiction of Payette County and accusing **HECTOR B. ALMARAZ**, Defendant, of having committed this charge.

This Court finds that there is Probable Cause to believe that the above crime has been committed and that **HECTOR B. ALMARAZ**, Defendant, committed the crime.

YOU ARE THEREFORE COMMANDED to arrest **HECTOR B. ALMARAZ**, Defendant, and bring the Defendant before me at the Payette County Courthouse, Payette, Idaho, or in the case of my absence or inability to act, before the nearest most accessible magistrate in this County.

DATED this 25 day of April, 2006.


Magistrate

DOB: 
SS#: 
LKA: ONTARIO, OREGON

COMPLAINT - CRIMINAL 3

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO - MAGISTRATE DIVISION

FILED
THIRD JUDICIAL DISTRICT COURT
PAYETTE COUNTY, IDAHO

APR 28 2005

STATEMENT OF DEFENDANT'S RIGHTS IN FELONY CASES

BETTY J. DRESSEN, CLERK
BY _____ DEPUTY

1. You have the right to remain silent; any statement you make can be used against you. You cannot be compelled to incriminate yourself.
2. You have the right to bail. The amount and type of bail or release on your own recognizance is determined by the judge after considering factors provided by law.
3. You have the right to have an attorney represent you at all stages of these proceedings; if you are poor and unable to afford counsel, you may apply to the Court for the appointment of an attorney to represent you at public expense.
4. You have the right to a preliminary hearing within fourteen (14) days of this date if you are being held in custody or within twenty-one (21) days if you are not being held in custody. A preliminary examination is a hearing to determine if an offense has been committed and if there is probable cause to believe that you committed the offense. If you waive your right to a preliminary hearing, you will be ordered to appear in the District Court and answer the charge(s) pending against you.
5. **You cannot enter a plea to the charge(s) at your appearance in Magistrate Court but you may enter a plea of guilty or not guilty at the time you are arraigned in District Court.**
6. If you plead NOT GUILTY at your District Court arraignment, the Court will set a trial date and you or your attorney will be notified of that date.
7. You have the right to a jury trial, or you may waive the jury and have the matter tried before the Court. At the trial, the prosecution has to prove you guilty beyond a reasonable doubt. Any guilty verdict by a jury must be unanimous.
8. You have the right to confront or ask questions of any witness who testifies against you; and to compel the attendance of witnesses on your own behalf without expense to you.
9. If you plead GUILTY at your District Court arraignment, you waive or give up all of the above rights and you waive or give up any defenses you may have to the complaint filed against you.
10. If you plead GUILTY in District Court, the Court will set a date for sentencing at which time you will be given an opportunity to make a statement by way of explanation or mitigation.
11. In addition to any fine imposed by the Court upon a conviction, there are court costs.
12. You have the right to appeal any conviction or sentence of the District Court to the Idaho Supreme Court. The appeal must be filed within forty-two (42) days after the judgment of conviction is entered.

I acknowledge that I have read this statement and fully understand its contents.

Dated this _____ day of _____, 20_____.

HECTOR ALMARAZ
Defendant (Print)

[Signature]
Signature

THIRD JUDICIAL DISTRICT, STATE OF IDAHO
COUNTY OF PAYETTE
COURT MINUTE

APR 28 2006

BETTY J. DRESSEN, CLERK
BY [Signature] DEPUTY

STATE OF IDAHO, vs. <u>Hector B. Almaraz</u> <input checked="" type="checkbox"/> True Name	Plaintiff, Defendant. Corrected Name:	Case Number: <u>CR. 2006. 1324</u> Date: <u>4/28/06</u> Judge: <u>Sellon</u> Tape Number: <u>(93) 2773-3718</u>
<input checked="" type="checkbox"/> Arraignment <input type="checkbox"/> Cont Arrn <input checked="" type="checkbox"/> 1 st Appearance		

APPEARANCES:

☒ Defendant

☐ Defense Attorney

☐ Interpreter Sworn

☒ Prosecuting Attorney B. Richard

☐ **FAILURE TO APPEAR:** Defendant failed to appear. It is ordered:

☐ Bench warrant issued.

☐ Bail forfeited.

☐ Referred to Prosecuting Attorney

☐ Bail on warrant \$

ADVISEMENT OF RIGHTS:

☒ Defendant informed of the charges against him/her and all legal rights, and the right to be represented by counsel.

☒ Requested court appointed counsel.

☐ Waived right to counsel.

☐ Indigency hearing held.

☒ Court ordered public defender.

☐ Court denied court appointed counsel.

☐ Court ordered reimbursement.

☐ Arraignment continued to

Judge:

☒ **PRELIMINARY HEARING:**

☐ Statutory time waived

☐ Yes

☐ No

☐ Preliminary hearing waived

☒ Preliminary hearing set

5-12-06

10:30 AM

Judge:

☐ **ENTRY OF GUILTY PLEA:**

☐ Advised of effect of guilty plea and possible consequences.

☐ Enters plea freely and voluntarily with knowledge of consequences.

☐ Plea of guilty accepted by the court.

☐ Judgment entered as follows:

☐ Defendant ordered to get reinstated with the Department of Transportation.

☐ Defendant ordered to obtain alcohol/drug evaluation prior to sentencing date.

☐ Defendant ordered to obtain anger management prior to sentencing date.

☐ Sentencing continued to

Judge:

☐ **ENTRY OF NOT GUILTY PLEA:**

Case to be set for

☐ Court Trial

☐ Pretrial and Jury trial

BAIL: State recommendations:

☐ Released on own recognizance (O.R.).

☐ Released on bond previously posted.

☒ Remanded to the custody of the sheriff.

☒ Bail set at \$ NO BOND

OTHER:

Deputy Clerk: [Signature]

Third Judicial District Court, State of Idaho
In and For the County of Payette
Payette, Idaho 83661

FILED
THIRD JUDICIAL DISTRICT COURT
PAYETTE COUNTY, IDAHO

APR 28 2006

BETTY J. DRESSEN, CLERK
BY pe DEPUTY

STATE OF IDAHO
Plaintiff,

vs.

Hector B Almaraz
420 N 6th St
Nyssa, OR 97913

Defendant.

DOB: [REDACTED]
DL or SSN: [REDACTED]

Case No: CR-2006-0001324

ORDER APPOINTING PUBLIC DEFENDER

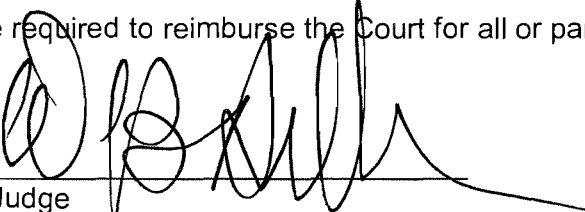
The Court being fully advised as to the application of Hector B Almaraz, and it appearing to be a proper case,
NOW, THEREFORE, IT IS ORDERED that an attorney be appointed through the:

Van G. Bishop
203 12th Ave Rd Ste B
Nampa ID 83686
(208) 465-5411

Public Defender for the County of Payette, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, Hector B Almaraz, in all proceedings in the above entitled case.


The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.

Date: 4/28/06


Judge

Copies to:

8 Public Defender
0 Prosecutor


Deputy Clerk

Order Appointing Public Defender

DOC30 10/88

APR 28 2006

BETTY J. DRESSEN, CLERK
BY [Signature] DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

Magistrate Division

STATE OF IDAHO

Plaintiff

vs

Hector B. Almaraz
Defendant

COMMITMENT

Case No. CR-2006-1324

IT IS HEREBY ORDERED that the above-named defendant be committed to the custody of the Sheriff of Payette County, Idaho:

 Bond having been set in the amount of \$ No bond

 Defendant to be held pending posting of bond

 X Next appearance date: 5/12/06 10:30 AM

 Transport to: _____

 Other: _____

Dated this 28 day of April, 06.

[Signature]
JUDGE

Third Judicial District Court, State of Idaho
In and For the County of Payette
Payette, Idaho 83661

FILED
THIRD JUDICIAL DISTRICT COURT
PAYETTE COUNTY, IDAHO



MAY 01 2006

BETTY J. DRESSEN, CLERK
BY  DEPUTY

STATE OF IDAHO
Plaintiff,
vs.

Hector B Almaraz
420 N 6th St
Nyssa, OR 97913

Defendant.

DOB: 
DL or SSN: 

Case No: CR-2006-0001324

ORDER APPOINTING PUBLIC DEFENDER

The Court being fully advised as to the application of Hector B Almaraz, and it appearing to be a proper case,

NOW, THEREFORE, IT IS ORDERED that an attorney be appointed through the

Nancy Callahan
101 Canal Street
Emmett, ID 83617
(208) 365-1200

Public Defender for the County of Payette, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, Hector B Almaraz, in all proceedings in the above entitled case.

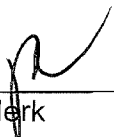
The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.

Date: 5-1-06


Judge

Copies to:

☒ Public Defender
☒ Prosecutor


Deputy Clerk

Order Appointing Public Defender

DOC30 10/88

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
208 - 15th Avenue-South Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-0411
Facsimile: (208) 465-0304
RSN 2748

Attorney for Defendant

FILED	
THIRD JUDICIAL DISTRICT COURT	
MAGISTRATE'S DIVISION	
Payette County, Idaho	
MAY 12 2006	
A.M.	P.M.
BETTY J. DRESSEN, Clerk	
By _____	Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

vs.

HECTOR B. ALMARAZ,

Defendant.

CASE NO. CR 2006-1324

STIPULATION TO CONTINUE
PRELIMINARY HEARING
and WAIVER OF RIGHT TO
HAVE PRELIMINARY HEARING
WITHIN 14 DAYS

COMES NOW, VAN G. BISHOP, of the LAW OFFICES OF VAN G. BISHOP, attorney for the above-named Defendant, and BRIAN D. LEE, PAYETTE COUNTY PROSECUTING ATTORNEY, and do stipulate and agree that the Preliminary Hearing in the above-entitled action, scheduled for Friday May 12, 2006 at 10:30 a.m. before the Honorable WILLIAM B. DILLON, at the Payette County Courthouse, be vacated and reset for a date and time convenient for the Court and Counsel.

THIS STIPULATION is made upon the grounds and for the following reasons:

1. That Counsel for the Defendant will be out of the Country.

DATED 11th day of May 2006.


VAN G. BISHOP
Attorney for Defendant


BRIAN D. LEE
Payette County Prosecuting Attorney

WAIVER OF RIGHT TO HAVE PRELIMINARY HEARING IN 14 DAYS

I, HECTOR B. ALMARAZ, the defendant above named, has been appointed the services of VAN G. BISHOP, as my attorney in the above-entitled action and he has fully explained the nature of the charges against me, and has advised me that I have the right to have the Court inform me about and to explain to me certain Constitutional and statutory rights, to-wit:

1. MY RIGHT TO A SPEEDY PRELIMINARY HEARING. I understand that I have a right to be brought to a Preliminary Hearing within fourteen (14) days from the date of my arraignment, and that, I personally or through my attorney, waive the statutory time limit, giving the above entitled Court, the ability to reset the Preliminary Hearing to a date and time convenient to the Court and Counsel.

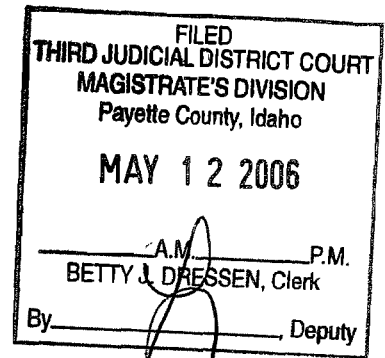
DATED this 9th day of May 2006.


VAN G. BISHOP
Attorney for Defendant


HECTOR B. ALMARAZ
Defendant

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
 203- 12TH Avenue Rd. Ste. B
 Nampa, Idaho 83686
 Telephone: (208) 465-5411
 Facsimile: (208) 465-5881
 ISBN 2740

Attorney for Defendant



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

vs.

HECTOR B. ALMARAZ,

Defendant.

CASE NO. CR-2006-1324

ORDER TO CONTINUE

BASED UPON THE Stipulation, Defendant's Waiver and good cause appearing;
IT IS HEREBY ORDERED, AND THIS DOES ORDER, that the ~~Sentencing~~ ^{PRELIMINARY} Hearing
 scheduled for Friday, May 12, 2006 at 10:30 a.m. before the Honorable William B. Dillon, at the
 Payette County Courthouse, is hereby vacated and reset for the 26 day of May, 2006, at 10:30
 o'clock a.m.

DATED this 12th day of May 2006.


 Magistrate Judge

CERTIFICATE OF SERVICE: I HEREBY CERTIFY that a true and correct copy of the above and foregoing ORDER TO CONTINUE was delivered to VAN G. BISHOP, ATTORNEY FOR DEFENDANT, by facsimile (208) 465-5881 or U. S. Mail to, Law Offices of Van G. Bishop 203 - 12TH Avenue Road Ste. B, Nampa, ID 83686 and BRIAN D. LEE, PAYETTE COUNTY PROSECUTING ATTORNEY, by placing a copy of the same in his respective basket at the Payette County Courthouse Payette, Idaho, this 12th day of May 2006.



Clerk of the Court

BRIAN LEE

Payette County Prosecuting Attorney
1130 Third Avenue North
Room #105
Payette, ID 83661
(208) 642-6096
(208) 642-6099 (facsimile)

ORIGINAL

FILED	
THIRD JUDICIAL DISTRICT COURT	
MAGISTRATE'S DIVISION	
Payette County, Idaho	
MAY 12 2006	
A.M.	P.M.
BETTY J. PRESSEDEN, Clerk	
By	Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	
	)	Case No.: 2006-0001324
Plaintiff,)	
	)	AFFIDAVIT OF BUSINESS FACTS
v.	)	AND/OR RECORDS PURSUANT TO
	)	IDAHO CRIMINAL RULE 5.1
HECTOR B. ALMAREZ,)	
)	
Defendant.)	

STATE OF IDAHO)
 ss
County of Payette)

I, J.D. Huff, Fruitland Police Department, being duly sworn, on oath, depose and say:

1. On April 23, 2006, at approximately 0219 hours, a shooting took place at the Club 7 Bar in Fruitland, Idaho, County of Payette. Hector B Almaraz did commit the murder of Gabriel Flores by shooting Flores in the back with a 45-caliber handgun resulting in his death less than an hour later.
2. Almaraz entered the Club 7 bar carrying a 45-caliber handgun, which was concealed in his


Affidavit of Business Facts and/or Records - 1

waistband. During the course of the evening Almaraz danced with Natalie Orosco who later provided a verbal statement. Orosco told me that she was at the Club 7 Bar and danced with Almaraz approximately 10 minutes prior to the shooting. Orosco said that she felt the gun. Orosco also told me that she was dancing close to Almaraz and noted that he did not have gloves on. Orosco indicated that she felt the large metal object in the front of his Almaraz's pants and that she knows Almaraz, as she grew up with Almaraz in Nyssa Oregon.

3. Moments later, a fight ensued between Almaraz, Gabriel Flores, and several other individuals. After screening the surveillance video of the incident, it is clear that during the fight with Flores, Almaraz removed himself from the altercation and gained a position of advantage for the shooting. As Flores was assisted to his feet, he moved forward, at which point Almaraz shot Flores in the back and ran from the bar, bent over at the waist, apparently in an attempt to avoid detection by video surveillance.
4. Carolina Villegas (eye witness) issued a written and verbal statement to the fact that she observed Almaraz wearing full finger black gloves at the time she observed him point and fire the handgun. Villegas also indicated that she observed the muzzle flash but could not tell who Almaraz was firing at. The video evidence corroborated Villegas's statement.
5. Monica Martinez issued a verbal statement to the fact that after the shooting Almaraz and Salazar went to Armando Landin's residence (659 SE 2nd St. Ontario, Or.) Martinez heard Salazar say "we finally got him", at which time Almaraz laughed and nodded his head in agreement.
6. Based on my review of the video evidence, it is clear to me that Almaraz is the person that

shot Gabriel Flores. It is also clear that Almaraz planned the shooting, as he had a handgun at the Club 7 Bar and it is often the case that a person will wear gloves to conceal blood, fingerprint, and or gunshot residue evidence. Further, it is clear from the video evidence that Almaraz took the time to gain a position of advantage prior to the shooting.

7. On May 11, 2006, James Stephens who lives a 306 SW 4th Street in Fruitland Idaho called the police to report he had found a gun in his backyard. The gun is the same caliber and fits the description of the gun that is believed to be used in the shooting. The gun was wrapped in a shirt. The shirt appears to be the same shirt that Almaraz was wearing in the video of the shooting. The gun had one round chambered and the magazine was missing. The video evidence shows Almaraz running from the bar immediately after the shooting. A woman, Vanessa Delgado, stated that she picked Almaraz up near the Club 7 bar in Fruitland. The Stevens' home is located in a place that would be consistent with a person walking from the Club 7 bar to the location Almaraz was picked up. A report given to the police department after the shooting, indicated that as Almaraz was driven from the crime scene, he tossed bullets from a magazine. The reports further indicate that no gun was seen by the driver and other passengers in the car at the time Almaraz fled the crime scene.
8. It is believed that the shirt wrapped around the gun contains DNA evidence. It is requested that blood be taken from Almaraz, who is charged with Murder in the 1st Degree, to compare with the DNA found on the shirt.


JD Huff
Affiant

SUBSCRIBED AND SWORN to before me this 12 day of May, 2006.



Lani Hawks
Notary Public for said State
Residing at: *Payette, ID.*
Commission Expires: *2/17/2011*

BRIAN LEE
Prosecuting Attorney
1130 Third Avenue North
Room #105
Payette, ID 83661
Phone (208)642-6096
Fax (208) 642-6099

ORIGINAL

FILED	
THIRD JUDICIAL DISTRICT COURT	
MAGISTRATE'S DIVISION	
Payette County, Idaho	
MAY 12 2006	
By <u>BETTY J. DRESSEN</u>	A.M. P.M. Clerk Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	
	)	CASE NO.: CR-2006-0001324
Plaintiff,)	
	)	DETENTION WARRANT
v.)	
)	
HECTOR B. ALMARAZ,)	
DOB [REDACTED])	
Defendant.)	

TO ANY SHERIFF, CONSTABLE, MARSHAL OR POLICE IN THE COUNTY OF PAYETTE:

Proof by Affidavit, having been made by **J.D. Huff, Fruitland Police Department**,
showing that:

A) Probable cause exists to believe that a felony, to-wit: **Murder in the 1st Degree**
was committed in Payette County, Idaho;

B) There is reasonable grounds to believe that **Hector B. Almarez** committed the
above-described offense; he is currently residing at the Payette County Jail.

C) Procurement of evidence, to-wit; sample of **Hector B. Almarez's** blood for
D.N.A. testing which may contribute to the identification of the individual who committed the
crime of **Murder in the 1st Degree**.

D) Such evidence cannot otherwise be obtained by the Investigating officer.

THEREFORE, J.D. Huff, Fruitland Police Department, is HEREBY

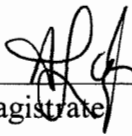
COMMANDED to detain the above-named individual and retain him at the Payette County Jail, Payette Idaho, for the purpose of procuring blood evidence, the examination shall take place at approximately 10:30 a.m., and shall be completed within three hours and that **Hector B. Almarez** is commanded to provide the above described evidence. The relevance of said evidence to this particular investigation has been shown to the Court's satisfaction by way of affidavit. The place at which this evidence shall be taken is the Payette County Jail, Payette, Idaho. Said detention, at the place where the evidence is to be taken, shall be for no longer than three (3) hours. This Order is made pursuant to Idaho Code Section 19-625, and shall expire ten (10) days from the date of issuance.

You, **Hector B. Almarez**, the individual above identified or described, shall have the right to legal counsel during the detention when such evidence is obtained, and if you are unable to afford private counsel, an attorney shall be provided at public expense as provided by Idaho Code Section 19-852.

You, **Hector B. Almarez**, are under no legal obligation to submit to any interrogation or to make any statement during the period of your appearance unless sound of voice identification is required.

Return is to be made to the above entitled Court within fifteen (15) days for the date hereof.

GIVEN UNDER MY HAND and dated this 12th day of May, 2006.



Magistrate

MAY 26 2006

BETTY J. DRESSEN, CLERK
BY _____ DEPUTY

BRIAN LEE
Prosecuting Attorney
1130 Third Avenue North
Room #105
Payette, ID 83661
Phone (208)642-6096
Fax (208) 642-6099

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	
	)	CASE NO.: CR-2006-0001324
Plaintiff,)	
	)	DETENTION WARRANT
v.)	
)	
HECTOR B. ALMARAZ,)	
DOE [REDACTED])	
Defendant.)	

**TO ANY SHERIFF, CONSTABLE, MARSHAL OR POLICE IN THE COUNTY
OF PAYETTE:**

Proof by Affidavit, having been made by **J.D. Huff, Fruitland Police Department**,
showing that:

- A) Probable cause exists to believe that a felony, to-wit: **Murder in the 1st Degree**
was committed in Payette County, Idaho;
- B) There is reasonable grounds to believe that **Hector B. Almaraz** committed the
above-described offense; he is currently residing at the Payette County Jail.
- C) Procurement of evidence, to-wit; sample of **Hector B. Almaraz's** blood for
D.N.A. testing which may contribute to the identification of the individual who committed the
crime of **Murder in the 1st Degree**.

D) Such evidence cannot otherwise be obtained by the Investigating officer.

THEREFORE, J.D. Huff, Fruitland Police Department, is HEREBY

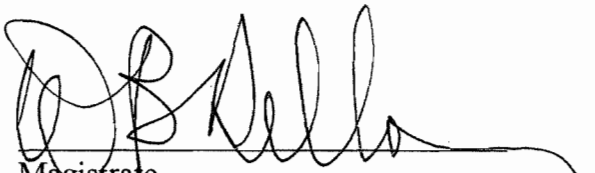
COMMANDED to detain the above-named individual and retain him at the Payette County Jail, Payette Idaho, for the purpose of procuring blood evidence, the examination shall take place at approximately 11:30 a.m., and shall be completed within three hours and that **Hector B. Almarez** is commanded to provide the above described evidence. The relevance of said evidence to this particular investigation has been shown to the Court's satisfaction by way of affidavit. The place at which this evidence shall be taken is the Payette County Jail, Payette , Idaho. Said detention, at the place where the evidence is to be taken, shall be for no longer than three (3) hours. This Order is made pursuant to Idaho Code Section 19-625, and shall expire ten (10) days from the date of issuance.

You, **Hector B. Almarez**, the individual above identified or described, shall have the right to legal counsel during the detention when such evidence is obtained, and if you are unable to afford private counsel, an attorney shall be provided at public expense as provided by Idaho Code Section 19-852.

You, **Hector B. Almarez**, are under no legal obligation to submit to any interrogation or to make any statement during the period of your appearance unless sound of voice identification is required.

Return is to be made to the above entitled Court within fifteen (15) days for the date hereof.

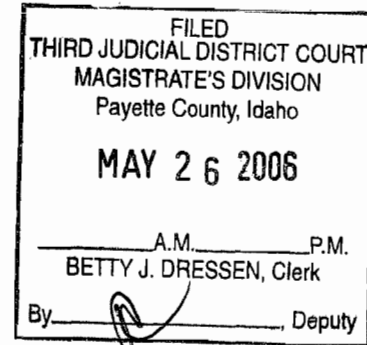
GIVEN UNDER MY HAND and dated this 26th day of May, 2006.



Magistrate

BRIAN LEE

Payette County Prosecuting Attorney
1130 Third Avenue North
Room #105
Payette, ID 83661
(208) 642-6096
(208) 642-6099 (facsimile)



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	
	)	Case No.: 2006-0001324
Plaintiff,)	
	)	AFFIDAVIT OF JD HUFF
v.)	
)	
HECTOR B. ALMAREZ,)	
)	
Defendant.)	

STATE OF IDAHO)
 ss
County of Payette)

I, J.D. Huff, Fruitland Police Department, being duly sworn, on oath, depose and say:

1. On April 23, 2006, at approximately 0219 hours, a shooting took place at the Club 7 Bar in Fruitland, Idaho, County of Payette. Hector B Almaraz did commit the murder of Gabriel Flores by shooting Flores in the back with a 45-caliber handgun resulting in his death less than an hour later.
2. Almaraz entered the Club 7 bar carrying a 45-caliber handgun, which was concealed in his

waistband. During the course of the evening Almaraz danced with Natalie Orosco who later provided a verbal statement. Orosco told me that she was at the Club 7 Bar and danced with Almaraz approximately 10 minutes prior to the shooting. Orosco said that she felt the gun. Orosco also told me that she was dancing close to Almaraz and noted that he did not have gloves on. Orosco indicated that she felt the large metal object in the front of his Almaraz's pants and that she knows Almaraz, as she grew up with Almaraz in Nyssa Oregon.

3. Moments later, a fight ensued between Almaraz, Gabriel Flores, and several other individuals. After screening the surveillance video of the incident, it is clear that during the fight with Flores, Almaraz removed himself from the altercation and gained a position of advantage for the shooting. As Flores was assisted to his feet, he moved forward, at which point Almaraz shot Flores in the back and ran from the bar, bent over at the waist, apparently in an attempt to avoid detection by video surveillance.
4. Carolina Villegas (eye witness) issued a written and verbal statement to the fact that she observed Almaraz wearing full finger black gloves at the time she observed him point and fire the handgun. Villegas also indicated that she observed the muzzle flash but could not tell who Almaraz was firing at. The video evidence corroborated Villegas's statement.
5. Monica Martinez issued a verbal statement to the fact that after the shooting Almaraz and Salazar went to Armando Landin's residence (659 SE 2nd St. Ontario, Or.) Martinez heard Salazar say "we finally got him", at which time Almaraz laughed and nodded his head in agreement.
6. Based on my review of the video evidence, it is clear to me that Almaraz is the person that

shot Gabriel Flores. It is also clear that Almaraz planned the shooting, as he had a handgun at the Club 7 Bar and it is often the case that a person will wear gloves to conceal blood, fingerprint, and or gunshot residue evidence. Further, it is clear from the video evidence that Almaraz took the time to gain a position of advantage prior to the shooting.

7. On May 11, 2006, James Stephens who lives a 306 SW 4th Street in Fruitland Idaho called the police to report he had found a gun in his backyard. The gun is the same caliber and fits the description of the gun that is believed to be used in the shooting. The gun was wrapped in a shirt. The shirt appears to be the same shirt that Almaraz was wearing in the video of the shooting. The gun had one round chambered and the magazine was missing. The video evidence shows Almaraz running from the bar immediately after the shooting. A woman, Vanessa Delgado, stated that she picked Almaraz up near the Club 7 bar in Fruitland. The Stevens' home is located in a place that would be consistent with a person walking from the Club 7 bar to the location Almaraz was picked up. A report given to the police department after the shooting, indicated that as Almaraz was driven from the crime scene, he tossed bullets from a magazine. The reports further indicate that no gun was seen by the driver and other passengers in the car at the time Almaraz fled the crime scene.

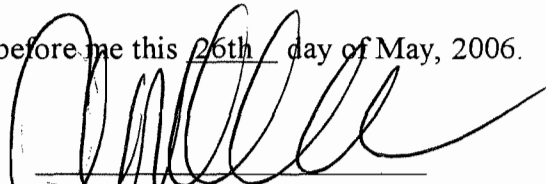
8. It is believed that the shirt wrapped around the gun contains DNA evidence. It is requested that blood be taken from Almaraz, who is charged with Murder in the 1st Degree, to compare with the DNA found on the shirt.

Dated this 26th day of May, 2006.


JD Huff
Affiant

SUBSCRIBED AND SWORN to before me this 26th day of May, 2006.




Notary Public for said State
Residing at: Orukland, Id
Commission Expires: 10/20/07

THIRD JUDICIAL DISTRICT, STATE OF IDAHO
COUNTY OF PAYETTE
PRELIMINARY HEARING

BETTY J. DRESSEN, CLERK
BY jc DEPUTY

THE STATE OF IDAHO

Plaintiff,

-vs-

Hector B. Almaraz

Defendant,

Case No.

CR. 2006-1324

Date:

5/26/06

Judge:

Drugh

Tape No.

(114) 00-6536
(113) 00 4594

APPEARANCES:

☒ Defendant

☒ Defense Attorney

V Bishop

☒ Prosecuting Attorney

☐ Interpreter Sworn

A Kelso / B. Ree

☐ FAILURE TO APPEAR: Defendant failed to appear. It is ordered:

☐ Bench warrant issued.

☐ Bail on warrant \$

☐ Bail forfeited.

PROCEEDINGS:

☐ Preliminary hearing waived; Defendant bound over to District Court.

☐ State moved to dismiss on the grounds

☐ Court dismissed Complaint.

☐ Prospective witnesses excluded.

☐ The court continued hearing to before Judge, for the following reason

STATE'S WITNESSES SWORN:

1. JO Hult FPD
2. Carolina Villegas
3. Rosella Mata
4. Kenneth Aust
5. Vanessa Delgado
6. Kent Sloan FPD
7. Steve Mallea OPD
8. James Stephens
9. Stephanie Steele FPD

☐ Defendant has no testimony or evidence to present.

☒ EXHIBITS: As set forth on attached list.

COURTS RULING:

☐ No probable cause; Complaint dismissed; Defendant discharged.

☐ Bond exonerated.

☒ Probable cause found for offense set forth in Complaint.

☐ Charges amended to:

☐ Probable cause found for amended charge.

☒ Defendant held to answer to the District Court. District Court arraignment set for

June 2, 2006 at 9:00 am before Judge Drescher

☒ BAIL:

☐ Release on own recognizance.

☒ Remanded to the custody of the Sheriff.

☐ Bail set \$

OTHER:

Date:

5/26/06

Deputy Clerk:

jc

MAY 26 2006

BETTY J. DRESSEN, CLERK
DISTRICT DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE
MAGISTRATE COURT

STATE OF IDAHO
Plaintiff,

VS.

Hector B Almaraz
Defendant.

DOB: [REDACTED]
DL or SSN:

)
)
Case No: CR-2006-0001324
)
)
ORDER BINDING DEFENDANT TO
DISTRICT COURT
)
)
)
)
)
)

Preliminary Hearing in the above-named case having been HELD and the Court being fully satisfied that a felony has been committed; that there is probable or sufficient cause to believe that the Defendant is guilty thereof, now therefore;

IT IS HEREBY ORDERED that the Defendant herein be held to answer in the District Court of the Third Judicial District of the State of Idaho, in and for the County of Payette, to the charge(s) of I.C. 118-4001-1, Murder I, a felony, committed in Payette County, Idaho on or about Sunday, April 23, 2006.

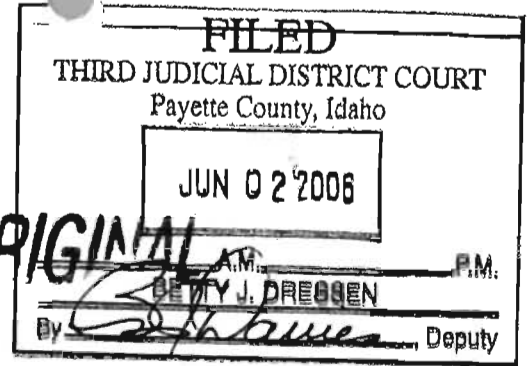
IT IS FURTHER ORDERED that the Defendant herein appear for arraignment in the District Court of the Third Judicial District on, JUNE 2, 2006, 9:00 A.M.

Dated this Friday, May 26, 2006.


Magistrate

Copies:
Prosecuting Attorney
Defense Attorney and/or Defendant

BRIAN LEE
 Payette County Prosecuting Attorney
 1130 Third Avenue North
 Room 105
 Payette, ID. 83661
 Phone 642-6096
 Fax 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	
	)	CASE NO.CR-2006-0001324
Plaintiff,)	
)	
v.	)	CRIMINAL INFORMATION
)	
HECTOR B. ALMARAZ,)	
)	
Defendant)	

Pursuant to Idaho Criminal Rule 7, the Prosecuting Attorney of Payette
 County, Idaho, alleges by this information that:

HECTOR B. ALMARAZ,

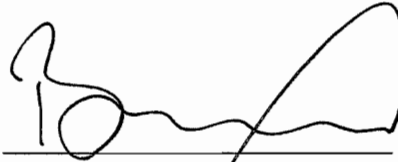
has perpetrated a crime against the State of Idaho, to-wit:

MURDER IN THE FIRST DEGREE, I.C. 18-4001, 18-4003,

(FELONY), said crime being committed as follows, to-wit:

That the Defendant, HECTOR B. ALMARAZ, on or about the 23rd
 day of April, 2006, in the County of Payette, State of Idaho, did willfully,
 unlawfully, deliberately, with premeditation, and with malice aforethought, kill and
 murder Gabriel James Flores, a human being, by shooting Gabriel James Flores in
 the back with a hand gun from which he died, which is a violation of **I.C. 18-4001,
 18-4003, MURDER IN THE FIRST DEGREE, (FELONY).**

DATED this 1st day of June, 2006.



Brian Lee
Prosecuting Attorney

CERTIFICATE OF SERVICE

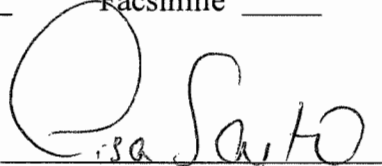
I hereby certify that on the 1st day of June, 2006, I caused a true and correct copy of the foregoing to be forwarded with all required charges prepaid, by the method(s) indicated below, to the person(s) listed below:

Van Bishop
203 12th Avenue Road, Ste. B
Nampa, ID.

Hand Delivery x

U.S. Mail _____

Facsimile _____



Lisa Saito
Legal Assistant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

THE HONORABLE STEPHEN W. DRESCHER

COURT REPORTER: DENECE GRAHAM

DATE: June 2, 2006

STATE OF IDAHO,
Plaintiff,

Case No. CR-2006-001324*D

-vs-

COURT MINUTES

Hector B. Almaraz,
Defendant.

This being the time and place set for an arraignment for the offense of **Murder I, felony**, present before the Honorable Stephen W. Drescher were the defendant **Hector B. Almaraz** and his court appointed attorney Van Bishop, and the State of Idaho represented by Anne Marie Kelso, Deputy Prosecuting Attorney.

The Court ascertained the defendant's name was true as charged. Mr. Bishop advised he had not received a copy of the criminal information. The State presented a copy to the defense. Mr. Bishop waived formal reading of the criminal information.

The Court informed the defendant of the charge filed against him, the nature of the offense and of the maximum potential penalties which could be imposed, to wit: **the death penalty and/or 50,000 fine and a 5,000 civil penalty. The fine would be mute in the case of the death penalty being imposed.** (There was some side discussion about a life sentence or death penalty between the Court and his law clerk. Mr. Bishop advised the State would have 30 days to determine the issue of life penalty or the death penalty. Nothing more was discussed.)

The Court ascertained the defendant understood his constitutional rights, that he had no questions as to his constitutional rights, that he understood the nature of the charge and the potential penalties that could be imposed and he had no questions of the Court.

In response to the Court the defendant entered a plea of **Not Guilty** and **stood on his speedy trial rights**.

In answer to the Court's inquiry Mr. Bishop advised they would need 7-10 days or more for trial.

The Court set the matter for pre-trial on **September 14, 2006 at 10:30 a.m.** and for jury trial on **October 10, 2006 at 9:00 a.m.**

The defendant was continued on his current status.

Court was adjourned.

STEPHEN W. DRESCHER

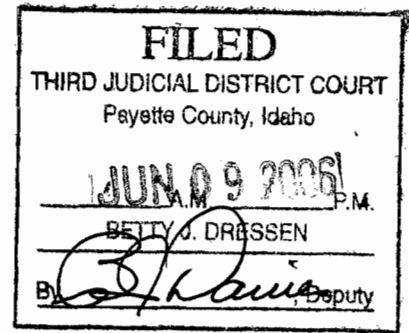
Betty J. Dessen, Clerk

BY:



Deputy Clerk

Nancy L. Callahan
Idaho State Bar #4884
LAW OFFICES OF NANCY L. CALLAHAN
101 Canal Street,
Emmett, Idaho 83617
Telephone: (208) 365-1200
Facsimile: (208) 365-1646



Attorney for Defendant

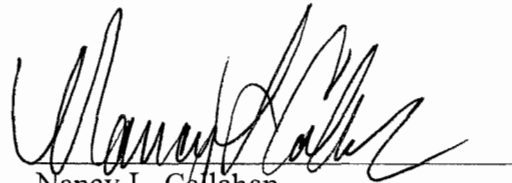
IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR-2006-0001324
)	
Plaintiff,)	
)	
vs.	)	MOTION FOR PAYMENT
	)	OF ATTORNEY FEES
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
_____)	

COMES NOW, NANCY L. CALLAHAN, the attorney of record for the above named Defendant and hereby moves this Honorable Court for payment of attorney fees incurred in representation of the above named Defendant in this matter.

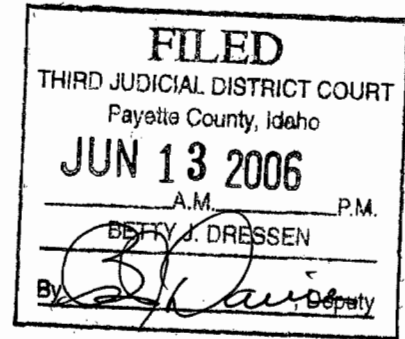
This Motion is made and based upon the files and records before the Court and the Affidavit submitted contemporaneously herewith.

DATED this 8 day of June 2006.


Nancy L. Callahan,
Attorney for Defendant

Nancy L. Callahan
Idaho State Bar #4884
LAW OFFICES OF NANCY L. CALLAHAN
101 Canal Street,
Emmett, Idaho 83617
Telephone: (208) 365-1200
Facsimile: (208) 365-1646

Attorney for Defendant



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR-2006-0001324
)	
Plaintiff,	)	ORDER FOR PAYMENT
vs.	)	OF ATTORNEY FEES
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
_____)	

BASED UPON the Affidavit submitted herewith, and GOOD CAUSE
APPEARING THEREFORE, it is hereby ORDERED that the Payette County Clerk shall
pay to the Law Offices of Nancy L. Callahan, the sum of Forty Five Dollars and No
Cents (\$45.00).

DATED this 13 day of June 2006.

District Court Judge

BRIAN LEE
Payette County Prosecuting Attorney
P.O. Box 1001
1130 Third Avenue North
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099

ORIGINAL

FILED
THIRD JUDICIAL DISTRICT COURT
Payette County, Idaho
JUN 19 2006
AM. 4:25 P.M.
BETTY J. DRESSEN
By _____, Depu

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

* * * * *

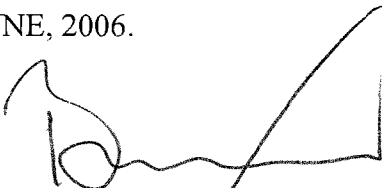
STATE OF IDAHO,	)	Case No. CR-2006-1324
)	
Plaintiff,)	
)	
vs.	)	NOTICE OF INTENT TO
	)	SEEK DEATH PENALTY
HECTOR B. ALMAREZ,)	
)	
)	
Defendant.)	

* * * * *

COMES NOW the State of Idaho, by and through Brian Lee, Payette County
Prosecuting Attorney, in and for Payette County, and pursuant to I.C. 18-4004A does hereby
notify the Court and counsel for the Defendant **HECTOR B. ALMAREZ** that the State intends
to seek the death penalty for the offense of Murder in the First Degree as charged in the
Information filed with the Court in the above captioned case, based upon the following
aggravating factor(s):

1. The defendant knowingly created a great risk of death to many persons;
2. By the murder, or circumstances surrounding its commission, the defendant exhibited utter disregard for human life, or
3. The defendant, by his conduct, whether such conduct was before, during or after the commission of the murder at hand, has exhibited a propensity to commit murder which will probably constitute a continuing threat to society.

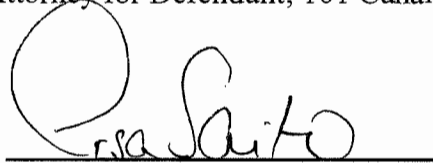
Dated this ^{19th}~~16th~~ day of JUNE, 2006.



BRIAN LEE
Payette County Prosecuting Attorney

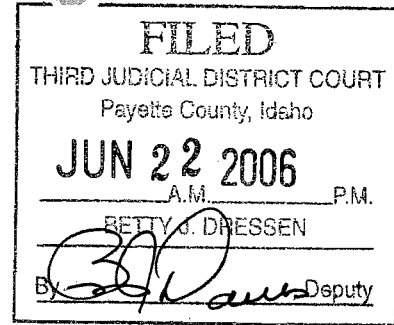
CERTIFICATE OF HAND DELIVERY

I hereby certify that on the 19th day of June, 2006, I hand delivered a true and correct copy of the within and foregoing instrument to Van Bishop, Attorney for Defendant, 203 12th Ave Rd., Nampa, Idaho, and Nancy Callahan, Attorney for Defendant, 101 Canal St., Emmett, Idaho.

A handwritten signature in black ink, appearing to read "Lisa Saito", is written over a horizontal line.

Lisa Saito
Legal Assistant

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO: CR-2006-0001324
)	
Plaintiff,)	
)	
	)	MOTION
)	
vs.)	
)	
HECTOR B. ALMARAZ,)	
)	
Defendant,)	

COMES NOW the State of Idaho by and through Brian Lee, Payette County Prosecuting Attorney, and based upon the accompanying affidavit, moves the court for the issuance of a certificate finding that Priscilla Mata is a necessary and material witness in the above entitled criminal case;

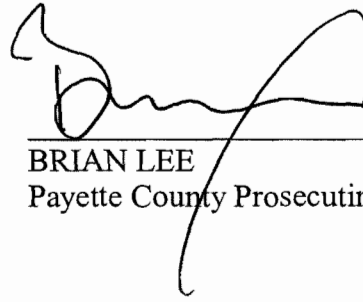
That a full and complete trial of the above entitled defendant for the crime of **MURDER IN THE FIRST DEGREE, I.C. 18-4001, 02, 03, (FELONY)**, requires that the said Priscilla Mata appear and testify before the above entitled court at the said trial commencing on the 10th

MOTION

day of October, 2006;

That the time required for her to testify at the trial of the said matter is five (5) days. (This includes travel time).

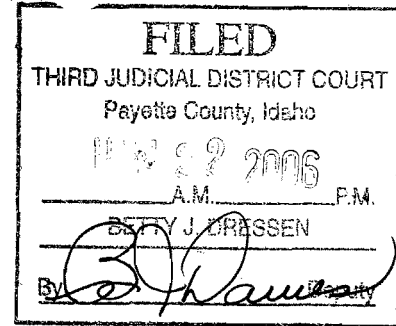
DATED at this 12th day of June, 2006.

A handwritten signature in black ink, appearing to read 'Brian Lee', is written over a horizontal line. A long, sweeping flourish extends from the bottom of the signature.

BRIAN LEE
Payette County Prosecuting Attorney

MOTION

Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

* * * * *

STATE OF IDAHO,) Case No. CR-2006-001324
)
Plaintiff,)
)
vs.) **AFFIDAVIT**
)
)
HECTOR B. ALMARAZ,)
)
Defendant.)

STATE OF IDAHO,)
County of Payette,) ss.

I, Brian Lee, being first duly sworn, depose and say:

1. I am the Prosecutor for Payette County Idaho, currently prosecuting the above entitled case.
2. That there is on file with the Third Judicial District, Payette County an Information charging the defendant with the crime of MURDER IN THE FIRST DEGREE.
3. That the Information was filed with the District Court on the 2nd day of June, 2006.
4. That Priscilla Mata currently resides in Ontario, Oregon, Malheur County, State of

AFFIDAVIT

Oregon, and is a material witness for the State in the above entitled matter in that Priscilla Mata can testify that he/she was a witness to events occurring before, during and/or after the alleged crime which are relevant to the prosecution of this matter.

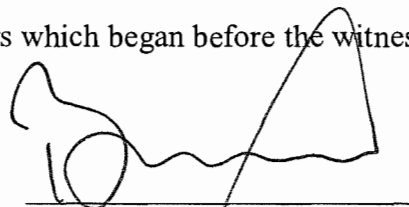
5. That the testimony of Priscilla Mata is necessary for a full and complete trial of the above named defendant for the crime of MURDER IN THE FIRST DEGREE.

6. That the witness resides approximately 8, miles from Payette, Idaho one way, a total distance of 16, miles round trip.

7. That the time which will be consumed by the witness traveling and testifying at the trial of the above named defendant will be approximately five (5) days. She will need to be available to testify on the 10th, 11th, 12th, 13th and 16th of October, 2006.

8. Witness fees for the above named Priscilla Mata are \$8.00 per day for witness fee's and \$6.00 per day for travel for a total amount of \$70.00.

9. It is my information and belief that the State of Oregon has enacted a Uniform Act to Secure Attendance of Witnesses from Without a State in Criminal Proceedings. The State of Idaho has likewise adopted that act, and it provides for immunity from service of process or arrest arising from, or in connection with, matters which began before the witness's entrance into the State of Idaho under said summons.

A handwritten signature in black ink, appearing to read 'Brian Lee', written over a horizontal line.

Brian Lee
Payette County Prosecuting Attorney

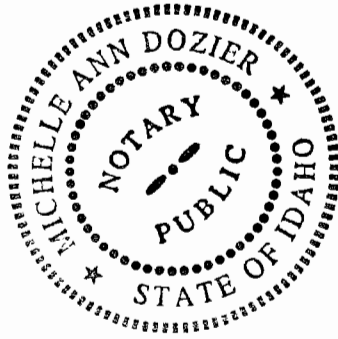
Subscribed and sworn to before me this 25th day of June, 2006.

Michelle A Dozier

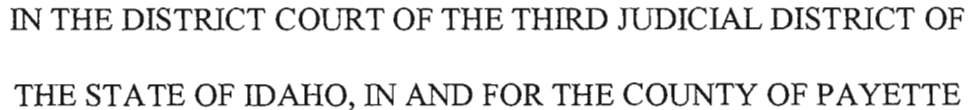
Notary for State of Idaho

Resides: New Plymouth, ID.

Commission Expires: 08/11/2011



Payette County Prosecuting Attorney
1130 Third Ave N.
Post Office Box 1001
Payette, ID 83661
208-642-6096
Fax: 208-642-6099



Case No. CR-2006-0001324

PETITION TO SECURE OUT OF STATE WITNESS

HECTOR B. ALMARAZ,

Defendant,

Your Petitioner is a duly qualified and acting Prosecuting Attorney in the State of Idaho,
for the County of Payette.

2.

The above-entitled criminal action is now pending in the above-entitled Court and that the Trial date for said action has been set by the Court for the 10th day of October, 2006, beginning at 9:00 a.m. That the above-entitled criminal action is a prosecution of the charge of MURDER IN THE FIRST DEGREE, I.C. 18-4001, 02, 03, (FELONY) .

3.

The State of Oregon has enacted a Uniform Act to Secure The Attendance Of A Witness From Without The State In Criminal Proceedings which is substantially similar to the act bearing

the same title in Idaho, I.C. 19-3005(2).

4.

Your Petitioner is informed and believes and therefore alleges that Priscilla Mata lives at 659 SE 2nd Street, Ontario, Oregon.

5.

Your Petitioner is informed and believes and therefore alleges that Priscilla Mata is a material witness in the prosecution of the above-entitled criminal action which is now pending in the above-entitled Court.

6.

The attendance of the said Priscilla Mata will be required for 5 day(s), commencing on the 10th day of October, 2006, for the purpose of securing his/her testimony as a material witness in the above-entitled action.

WHEREFORE, the Petitioner prays this Court to find:

1. That Priscilla Mata is a material witness in the prosecution pending in the above-entitled Court, a Court of record of the State of Idaho.

2. That the attendance of Priscilla Mata will be necessary for a period of 5 day(s), commencing on the 10th day of October, 2006.

3. That the District Court for the County of Malheur, State of Oregon, may obtain jurisdiction of the said Priscilla Mata.

4. That the Court order three (3) authenticated copies of this Petition, its Certificate and Order, and I.C. 19-3005(2) to be transmitted to the Clerk of the said District Court, for the

County of Malheur, for further proceedings in the above-entitled cause under the Uniform Act To Secure The Attendance of A Witness From Without A State In Criminal Proceedings.

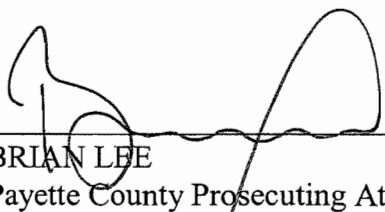
5. That this Court order the Auditor of Payette County to prepare and deliver to the Prosecuting Attorney a Payette County Warrant to be transmitted to the District Court in the amount of \$8.00 per day of required attendance upon this Court and \$6.00 per day for mileage, which said sums total \$70.00.

PETITIONER FURTHER PRAYS:

1. That the District Court for the County of Malheur, State of Oregon, issue a summons with a copy of the Certificate and Order of the District Court, State of Idaho, for Payette County, attached thereto, directing the witness to attend and testify in the District Court, State of Idaho, for Payette County, Payette, Idaho, as prayed for in this Petition.

2. That the summons mentioned in the preceding paragraph requiring the said Priscilla Mata to appear before the District Court of the State of Idaho for Payette County, Payette, Idaho, for 5 day(s), commencing on the 10th day of October, 2006, at 9:00 A.M.

DATED this 25th day of June, 2006.


BRIAN LEE
Payette County Prosecuting Attorney

19-3005**Statutes and Session Law****TITLE 19 CRIMINAL PROCEDURE****CHAPTER 30 WITNESSES IN CRIMINAL PROCEEDINGS****19-3005 UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES.****19-3005 UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES.**

(1) Subpoenaing a Witness in This State to Testify in Another State. If a judge of a court of record in any state, which by its laws has made provisions for commanding persons within that state to attend and testify in criminal hearings or prosecutions in this state, certifies under the seal of such court that there is a criminal prosecution pending in such court that a person being within this state is a material witness in such prosecution, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing and shall notify the witness of such time and place.

If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state, and that the laws of the state in which the prosecution is pending and of any other state through which the witness may be required to pass by ordinary course of travel, will give to him protection from arrest and the service of civil and criminal process he shall issue a subpoena, with a copy of the certificate attached, directing the witness to attend and testify in the court where the hearing or prosecution is pending at a time and place specified in the subpoena.

If the witness, who is subpoenaed as above provided, after being tendered by some properly authorized person a prepaid, round trip airline ticket or, in the event that there is no regularly scheduled airline service available, a prepaid round trip ticket on any common carrier providing passenger transportation services to and from the court where the hearing or prosecution is pending and five dollars (\$5.00) for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the subpoena, he may be punished in the manner provided for the punishment of any witness who disobeys a subpoena issued from a court of record in this state.

(2) Witness From Another State Subpoenaed to Testify in This State. If a person in any state, which by its laws has made provisions for commanding persons within its borders to attend and testify in criminal hearings or prosecutions in this state, is a material witness in a hearing or prosecution pending in a court of record in this state, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required at such hearing or prosecution. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is subpoenaed to attend and testify in the criminal hearing or prosecution in this state he shall be tendered the sum of fifteen cents (15¢) a mile for each mile by the ordinarily traveled route, one (1) way, to and from the court where the hearing or prosecution is pending and five dollars (\$5.00) for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the subpoena shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless such extended period of time is obtained by the written consent of such witness.

(3) Have Exemption From Arrest and Service of Process. If a person comes into this state in obedience to a subpoena directing him to attend and testify in a criminal hearing or prosecution in this

state, he will not while in this state, pursuant to such subpoena, be subjected to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into this state under such subpoena.

If a person passes through this state while going to another state in obedience to a subpoena to attend and testify in a criminal hearing or prosecution in that state or while returning therefrom, he shall not while so passing through this state be subjected to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into this state under such subpoena.

(4) Uniformity of Interpretation. This section shall be interpreted and construed so as to effectuate its general purpose to make uniform the law of the states which enact it.

(5) Short Title. This section may be cited as "Uniform Act to Secure the Attendance of Witnesses in Criminal Cases."

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BRIAN LEE

Payette County Prosecuting Attorney

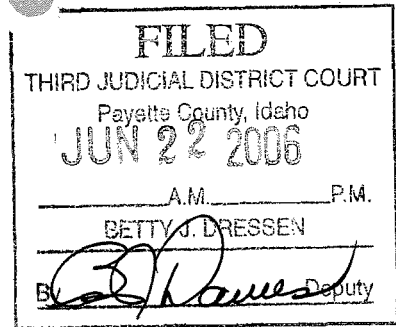
1130 Third Ave N.

Room 105

Payette, ID 83661

(208) 642-6096

Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

vs.

HECTOR B. ALMARAZ,


Defendant,

Case No. CR-2006-0001324

**MOTION FOR PAYMENT OF
WITNESS FEES**

The State of Idaho, by and through the Payette County Prosecutor, respectfully moves the Court for an Order directing the Payette County Auditor to advance funds to Priscilla Mata for payment of witness fees and mileage in the amount of \$ 70.00. Said witness is necessary for a Trial in this matter, and said sum is reasonable for the expense of the witness.

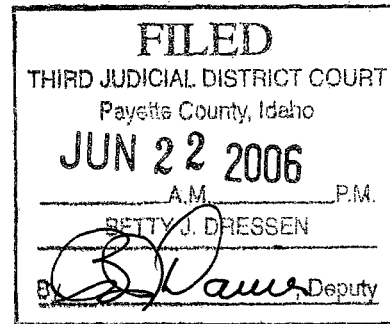
DATED this 21st day of June, 2006.



Brian Lee
Payette County Prosecuting Attorney

MOTION FOR PAYMENT OF
WITNESS FEES

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	CASE NO: CR-2006-0001324
)	
Plaintiff,)	
)	
	)	MOTION
)	
vs.)	
)	
HECTOR B. ALMARAZ,)	
)	
Defendant,)	

COMES NOW the State of Idaho by and through Brian Lee, Payette County Prosecuting Attorney, and based upon the accompanying affidavit, moves the court for the issuance of a certificate finding that Ismelda Longoria is a necessary and material witness in the above entitled criminal case;

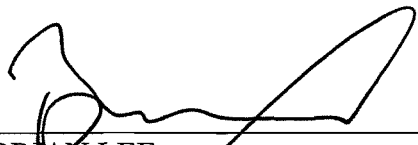
That a full and complete trial of the above entitled defendant for the crime of **MURDER IN THE FIRST DEGREE, I.C. 18-4001, 02, 03, (FELONY)**, requires that the said Ismelda Longoria appear and testify before the above entitled court at the said trial commencing on the

MOTION

10th day of October, 2006;

That the time required for her to testify at the trial of the said matter is five (5) days. (This includes travel time).

DATED at this 25th day of June, 2006.



BRIAN LEE
Payette County Prosecuting Attorney

MOTION

FILED
THIRD JUDICIAL DISTRICT COURT
Payette County, Idaho
JUN 22 2006 A.M. P.M.
BETTY J. DRESSEN
By *[Signature]* Deputy

* * * * *

AFFIDAVIT

SS.

96

Oregon, and is a material witness for the State in the above entitled matter in that Ismelda Longoria can testify that he/she was a witness to events occurring before, during and/or after the alleged crime which are relevant to the prosecution of this matter.

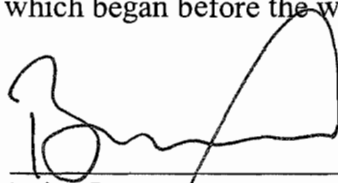
5. That the testimony of Ismelda Longoria is necessary for a full and complete trial of the above named defendant for the crime of MURDER IN THE FIRST DEGREE.

6. That the witness resides approximately 8, miles from Payette, Idaho one way, a total distance of 16, miles round trip.

7. That the time which will be consumed by the witness traveling and testifying at the trial of the above named defendant will be approximately five (5) days. She will need to be available to testify on the 10th, 11th, 12th, 13th and 16th of October, 2006.

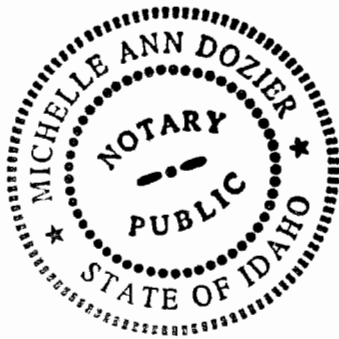
8. Witness fees for the above named Ismelda Longoria are \$8.00 per day for witness fee's and \$6.00 per day for travel for a total amount of \$70.00.

9. It is my information and belief that the State of Oregon has enacted a Uniform Act to Secure Attendance of Witnesses from Without a State in Criminal Proceedings. The State of Idaho has likewise adopted that act, and it provides for immunity from service of process or arrest arising from, or in connection with, matters which began before the witness's entrance into the State of Idaho under said summons.



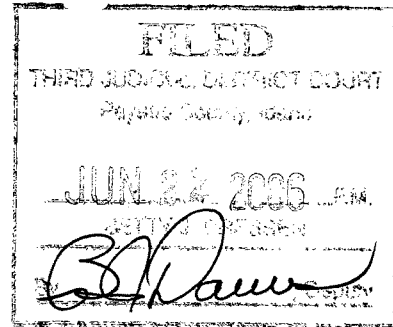
Brian Lee
Payette County Prosecuting Attorney

Subscribed and sworn to before me this 25th day of June, 2006.



Michelle A Dozier
Notary for State of Idaho
Resides: New Plymouth, ID.
Commission Expires: 08/11/2011

Payette County Prosecuting Attorney
1130 Third Ave N.
Post Office Box 1001
Payette, ID 83661
208-642-6096
Fax: 208-642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,
Plaintiff,

vs.

HECTOR B. ALMARAZ,
Defendant,

)
)
)
)
)
)
)
)
)
)

Case No. CR-2006-0001324

**PETITION TO SECURE OUT OF
STATE WITNESS**

Your Petitioner is a duly qualified and acting Prosecuting Attorney in the State of Idaho,
for the County of Payette.

2.

The above-entitled criminal action is now pending in the above-entitled Court and the trial date for said action has been set by the Court for the 10th day of October, 2006, beginning at 9:00 a.m. The above-entitled criminal action is a prosecution of the charge of MURDER IN THE FIRST DEGREE, I.C. 18-4001, 02, 03, (FELONY) .

3.

The State of Oregon has enacted a Uniform Act to Secure The Attendance Of A Witness From Without The State In Criminal Proceedings which is substantially similar to the act bearing

the same title in Idaho, I.C. 19-3005(2).

4.

Your Petitioner is informed and believes and therefore alleges that Ismelda Longoria lives at 645 SE 6th Ave., Ontario, Oregon.

5.

Your Petitioner is informed and believes and therefore alleges that Ismelda Longoria is a material witness in the prosecution of the above-entitled criminal action which is now pending in the above-entitled Court.

6.

The attendance of Ismelda Longoria will be required for 5 day(s), commencing on the 10th day of October, 2006, for the purpose of securing his/her testimony as a material witness in the above-entitled action.

WHEREFORE, the Petitioner prays this Court to find:

1. That Ismelda Longoria is a material witness in the prosecution pending in the above-entitled Court, a Court of record of the State of Idaho.

2. That the attendance of Ismelda Longoria will be necessary for a period of 5 day(s), commencing on the 10th day of October, 2006.

3. That the District Court for the County of Malheur, State of Oregon, may obtain jurisdiction of the said Ismelda Longoria.

4. That the Court order three (3) authenticated copies of this Petition, its Certificate and Order, and I.C. 19-3005(2) to be transmitted to the Clerk of the said District Court, for the

PETITION TO SECURE OUT OF STATE
WITNESS - 2

County of Malheur, for further proceedings in the above-entitled cause under the Uniform Act To Secure The Attendance of A Witness From Without A State In Criminal Proceedings.

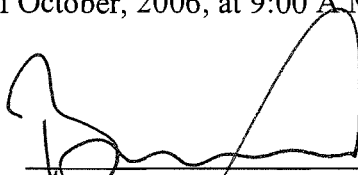
5. That this Court order the Auditor of Payette County to prepare and deliver to the Prosecuting Attorney a Payette County Warrant to be transmitted to the District Court in the amount of \$8.00 per day of required attendance upon this Court and \$6.00 per day for travel which said sums totals \$70.00.

PETITIONER FURTHER PRAYS:

1. That the District Court for the County of Malheur, State of Oregon, issue a summons with a copy of the Certificate and Order of the District Court, State of Idaho, for Payette County, attached thereto, directing the witness to attend and testify in the District Court, State of Idaho, for Payette County, Payette, Idaho, as prayed for in this Petition.

2. That the summons mentioned in the preceding paragraph requiring the said Ismelda Longoria to appear before the District Court of the State of Idaho for Payette County, Payette, Idaho, for 5 day(s), commencing on the 10th day of October, 2006, at 9:00 A.M.

DATED this 21st day of June, 2006.



BRIAN LEE
Payette County Prosecuting Attorney

19-3005**Statutes and Session Law****TITLE 19 CRIMINAL PROCEDURE****CHAPTER 30 WITNESSES IN CRIMINAL PROCEEDINGS****19-3005 UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES.****19-3005 UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES.**

(1) Subpoenaing a Witness in This State to Testify in Another State. If a judge of a court of record in any state, which by its laws has made provisions for commanding persons within that state to attend and testify in criminal hearings or prosecutions in this state, certifies under the seal of such court that there is a criminal prosecution pending in such court that a person being within this state is a material witness in such prosecution, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing and shall notify the witness of such time and place.

If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state, and that the laws of the state in which the prosecution is pending and of any other state through which the witness may be required to pass by ordinary course of travel, will give to him protection from arrest and the service of civil and criminal process he shall issue a subpoena, with a copy of the certificate attached, directing the witness to attend and testify in the court where the hearing or prosecution is pending at a time and place specified in the subpoena.

If the witness, who is subpoenaed as above provided, after being tendered by some properly authorized person a prepaid, round trip airline ticket or, in the event that there is no regularly scheduled airline service available, a prepaid round trip ticket on any common carrier providing passenger transportation services to and from the court where the hearing or prosecution is pending and five dollars (\$5.00) for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the subpoena, he may be punished in the manner provided for the punishment of any witness who disobeys a subpoena issued from a court of record in this state.

(2) Witness From Another State Subpoenaed to Testify in This State. If a person in any state, which by its laws has made provisions for commanding persons within its borders to attend and testify in criminal hearings or prosecutions in this state, is a material witness in a hearing or prosecution pending in a court of record in this state, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required at such hearing or prosecution. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is subpoenaed to attend and testify in the criminal hearing or prosecution in this state he shall be tendered the sum of fifteen cents (15¢) a mile for each mile by the ordinarily traveled route, one (1) way, to and from the court where the hearing or prosecution is pending and five dollars (\$5.00) for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the subpoena shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless such extended period of time is obtained by the written consent of such witness.

(3) Have Exemption From Arrest and Service of Process. If a person comes into this state in obedience to a subpoena directing him to attend and testify in a criminal hearing or prosecution in this

state, he will not while in this state, pursuant to such subpoena, be subjected to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into this state under such subpoena.

If a person passes through this state while going to another state in obedience to a subpoena to attend and testify in a criminal hearing or prosecution in that state or while returning therefrom, he shall not while so passing through this state be subjected to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into this state under such subpoena.

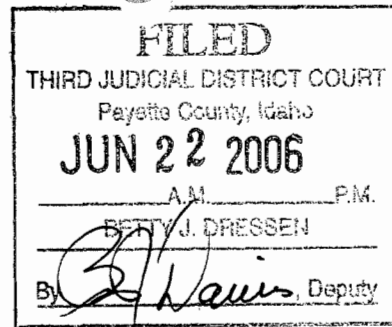
(4) Uniformity of Interpretation. This section shall be interpreted and construed so as to effectuate its general purpose to make uniform the law of the states which enact it.

(5) Short Title. This section may be cited as "Uniform Act to Secure the Attendance of Witnesses in Criminal Cases."

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BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Ave N.
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099




IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	Case No. CR-2006-0001324
)	
Plaintiff,)	
	)	MOTION FOR PAYMENT OF
vs.	)	WITNESS FEES
)	
)	
HECTOR B. ALMARAZ,)	
)	
Defendant,)	
_____)	

The State of Idaho, by and through the Payette County Prosecutor, respectfully moves the Court for an Order directing the Payette County Auditor to advance funds to Ismelda Longoria for payment of witness fees and mileage in the amount of \$70.00. Said witness is necessary for a Trial in this matter, and said sum is reasonable for the expense of the witness.

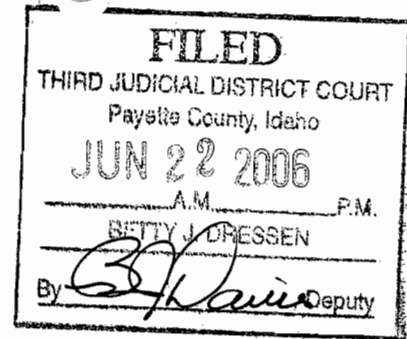
DATED this 25th day of June, 2006.



Brian Lee
Payette County Prosecuting Attorney

MOTION FOR PAYMENT OF
WITNESS FEES

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

vs.

HECTOR B. ALMARAZ,

Defendant,

CASE NO: CR-2006-0001324

MOTION

COMES NOW the State of Idaho by and through Brian Lee, Payette County Prosecuting Attorney, and based upon the accompanying affidavit, moves the court for the issuance of a certificate finding that Carolina Villegas is a necessary and material witness in the above entitled criminal case;


That a full and complete trial of the above entitled defendant for the crime of **MURDER IN THE FIRST DEGREE, I.C. 18-4001, 02, 03, (FELONY)**, requires that the said Carolina Villegas appear and testify before the above entitled court at the said trial commencing on the

MOTION

10th day of October, 2006;

That the time required for her to testify at the trial of the said matter is five (5) days. (This includes travel time).

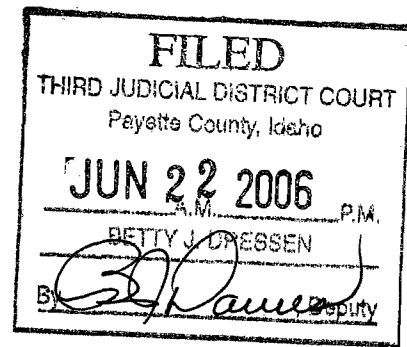
DATED this 2nd day of June, 2006.



BRIAN LEE
Payette County Prosecuting Attorney

MOTION

Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

* * * * *

STATE OF IDAHO,) Case No. CR-2006-001324
)
Plaintiff,)
)
vs.) **AFFIDAVIT**
)
HECTOR B. ALMARAZ,)
)
Defendant.)

STATE OF IDAHO,)
County of Payette,) ss.

I, Brian Lee, being first duly sworn, depose and say:

1. I am the Prosecutor for Payette County Idaho, currently prosecuting the above entitled case.
2. That there is on file with the Third Judicial District, Payette County an Information charging the defendant with the crime of MURDER IN THE FIRST DEGREE.
3. That the Information was filed with the Magistrate Court on the 2nd day of June, 2006.
4. That Carolina Villegas currently resides in Ontario, Oregon, Malheur County, State of

AFFIDAVIT

Oregon, and is a material witness for the State in the above entitled matter in that Carolina Villegas can testify that he/she was a witness to events occurring before, during and/or after the alleged crime which are relevant to the prosecution of this matter.

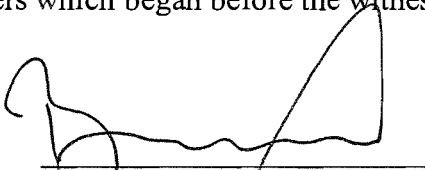
5. That the testimony of Carolina Villegas is necessary for a full and complete trial of the above named defendant for the crime of MURDER IN THE FIRST DEGREE.

6. That the witness resides approximately 8, miles from Payette, Idaho one way, a total distance of 16, miles round trip.

7. That the time which will be consumed by the witness traveling and testifying at the trial of the above named defendant will be approximately five (5) days. He will need to be available to testify on the 10th, 11th, 12th, 13th and 16th of October, 2006.

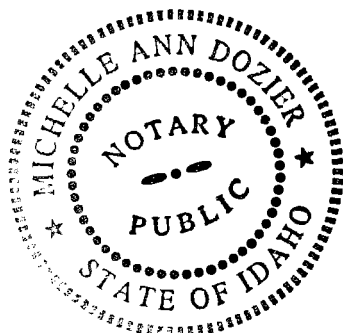
8. Witness fees for the above named Carolina Villegas are \$8.00 per day for witness fee's and \$6.00 per day for travel for a total amount of \$70.00.

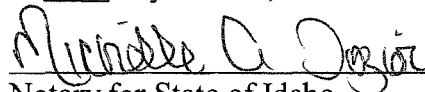
9. It is my information and belief that the State of Oregon has enacted a Uniform Act to Secure Attendance of Witnesses from Without a State in Criminal Proceedings. The State of Idaho has likewise adopted that act, and it provides for immunity from service of process or arrest arising from, or in connection with, matters which began before the witness's entrance into the State of Idaho under said summons.



Brian Lee
Payette County Prosecuting Attorney

Subscribed and sworn to before me this 25th day of June, 2006.





Michelle A. Dozier
Notary for State of Idaho
Resides: New Plymouth, ID.
Commission Expires: 08/11/2011

AFFIDAVIT

BRIAN LEE

Payette County Prosecuting Attorney

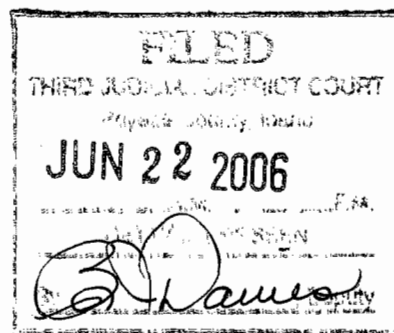
1130 Third Ave N.

Post Office Box 1001

Payette, ID 83661

208-642-6096

Fax: 208-642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

vs.

HECTOR B. ALMARAZ,

Defendant,

Case No. CR-2006-0001324

**PETITION TO SECURE OUT OF
STATE WITNESS**

Your Petitioner is a duly qualified and acting Prosecuting Attorney in the State of Idaho,
for the County of Payette.

2.

The above-entitled criminal action is now pending in the above-entitled Court and that
the Trial date for said action has been set by the Court for the 10th day of October, 2006,
beginning at 9:00 a.m. That the above-entitled criminal action is a prosecution of the charge of
MURDER IN THE FIRST DEGREE, I.C. 18-4001, 02, 03, (FELONY).

3.

The State of Oregon has enacted a Uniform Act to Secure The Attendance Of A Witness
From Without The State In Criminal Proceedings which is substantially similar to the act bearing

the same title in Idaho, I.C. 19-3005(2).

4.

Your Petitioner is informed and believes and therefore alleges that Carolina Villegas lives at 387 NW 9th Street, Ontario, Oregon.

5.

Your Petitioner is informed and believes and therefore alleges that Carolina Villegas is a material witness in the prosecution of the above-entitled criminal action which is now pending in the above-entitled Court.

6.

The attendance of the said Carolina Villegas will be required for 5 day(s), commencing on the 10th day of October, 2006, for the purpose of securing his/her testimony as a material witness in the above-entitled action.

WHEREFORE, the Petitioner prays this Court to find:

1. That Carolina Villegas is a material witness in the prosecution pending in the above-entitled Court, a Court of record of the State of Idaho.

2. That the attendance of Carolina Villegas will be necessary for a period of 5 day(s), commencing on the 10th day of October, 2006.

3. That the District Court for the County of Malheur, State of Oregon, may obtain jurisdiction of the said Carolina Villegas.

4. That the Court order three (3) authenticated copies of this Petition, its Certificate and Order, and I.C. 19-3005(2) to be transmitted to the Clerk of the said District Court, for the

County of Malheur, for further proceedings in the above-entitled cause under the Uniform Act To Secure The Attendance of A Witness From Without A State In Criminal Proceedings.

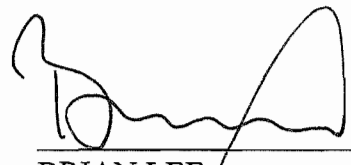
5. That this Court order the Auditor of Payette County to prepare and deliver to the Prosecuting Attorney a Payette County Warrant to be transmitted to the District Court in the amount of \$8.00 per day of required attendance upon this Court, and \$6.00 per day for travel, which said sums total \$70.00.

PETITIONER FURTHER PRAYS:

1. That the District Court for the County of Malheur, State of Oregon, issue a summons with a copy of the Certificate and Order of the District Court, State of Idaho, for Payette County, attached thereto, directing the witness to attend and testify in the District Court, State of Idaho, for Payette County, Payette, Idaho, as prayed for in this Petition.

2. That the summons mentioned in the preceding paragraph requiring the said Carolina Villegas to appear before the District Court of the State of Idaho for Payette County, Payette, Idaho, for 5 day(s), commencing on the 10th day of October, 2006, at 9:00 A.M.

DATED this 25 day of June, 2006.



BRIAN LEE
Payette County Prosecuting Attorney

Statutes and Session Law

CHAPTER 30 WITNESSES IN CRIMINAL PROCEEDINGS

19-3005 UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES.

19-3005 UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES.

If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state, and that the laws of the state in which the prosecution is pending and of any other state through which the witness may be required to pass by ordinary course of travel, will give to him protection from arrest and the service of civil and criminal process he shall issue a subpoena, with a copy of the certificate attached, directing the witness to attend and testify in the court where the hearing or prosecution is pending at a time and place specified in the subpoena.

If the witness, who is subpoenaed as above provided, after being tendered by some properly authorized person a prepaid, round trip airline ticket or, in the event that there is no regularly scheduled airline service available, a prepaid round trip ticket on any common carrier providing passenger transportation services to and from the court where the hearing or prosecution is pending and five dollars (\$5.00) for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the subpoena, he may be punished in the manner provided for the punishment of any witness who disobeys a subpoena issued from a court of record in this state.

(2) **Witness From Another State Subpoenaed to Testify in This State.** If a person in any state, which by its laws has made provisions for commanding persons within its borders to attend and testify in criminal hearings or prosecutions in this state, is a material witness in a hearing or prosecution pending in a court of record in this state, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required at such hearing or prosecution. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is subpoenaed to attend and testify in the criminal hearing or prosecution in this state he shall be tendered the sum of fifteen cents (15¢) a mile for each mile by the ordinarily traveled route, one (1) way, to and from the court where the hearing or prosecution is pending and five dollars (\$5.00) for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the subpoena shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless such extended period of time is obtained by the written consent of such witness.

(3) Have Exemption From Arrest and Service of Process. If a person comes into this state in obedience to a subpoena directing him to attend and testify in a criminal hearing or prosecution in this

state, he will not while in this state, pursuant to such subpoena, be subjected to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into this state under such subpoena.

If a person passes through this state while going to another state in obedience to a subpoena to attend and testify in a criminal hearing or prosecution in that state or while returning therefrom, he shall not while so passing through this state be subjected to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into this state under such subpoena.

(4) Uniformity of Interpretation. This section shall be interpreted and construed so as to effectuate its general purpose to make uniform the law of the states which enact it.

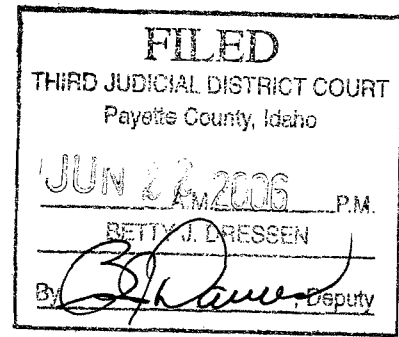
(5) Short Title. This section may be cited as "Uniform Act to Secure the Attendance of Witnesses in Criminal Cases."

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BRIAN LEE

Payette County Prosecuting Attorney
1130 Third Ave N.
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

vs.

HECTOR B. ALMARAZ,

Defendant,

Case No. CR-2006-0001324

**MOTION FOR PAYMENT OF
WITNESS FEES**

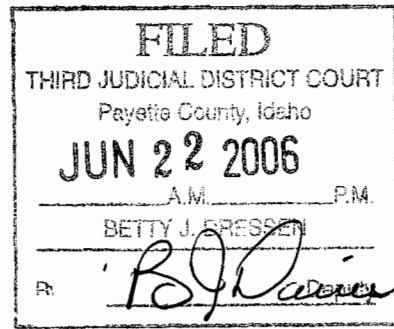
The State of Idaho, by and through the Payette County Prosecutor, respectfully moves the Court for an Order directing the Payette County Auditor to advance funds to Carolina Villegas for payment of witness fees and mileage in the amount of \$70.00. Said witness is necessary for a trial in this matter, and said sum is reasonable for the expense of the witness.

DATED this 25th day of June, 2006.

Brian Lee
Payette County Prosecuting Attorney

MOTION FOR PAYMENT OF
WITNESS FEES

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)
)
Plaintiff,)
)
)
vs.)
)
HECTOR B. ALMARAZ,)
)
Defendant,)

CASE NO: CR-2006-0001324

MOTION

COMES NOW the State of Idaho by and through Brian Lee, Payette County Prosecuting Attorney, and based upon the accompanying affidavit, moves the court for the issuance of a certificate finding that Armando Landin is a necessary and material witness in the above entitled criminal case;

That a full and complete trial of the above entitled defendant for the crime of **MURDER IN THE FIRST DEGREE, I.C. 18-4001, 02, 03, (FELONY)**, requires that the said Armando Landin appear and testify before the above entitled court at the said trial commencing on the 10th


MOTION

day of October, 2006;

That the time required for him to testify at the trial of the said matter is five (5) days.

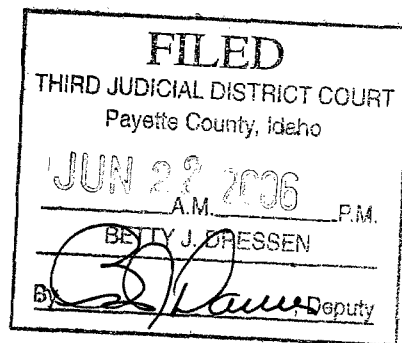
(This includes travel time).

DATED this 2⁵ day of June, 2006.



BRIAN LEE
Payette County Prosecuting Attorney

Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

* * * * *

Plaintiff,

VS.

Defendant.

AFFIDAVIT

STATE OF IDAHO,)
County of Payette,) ss.

I, Brian Lee, being first duly sworn, depose and say:

1. I am the Prosecutor for Payette County Idaho, currently prosecuting the above entitled case.
2. That there is on file with the Third Judicial District, Payette County an Information charging the defendant with the crime of MURDER IN THE FIRST DEGREE.
3. That the Information was filed with the District Court on the 2nd day of June, 2006.
4. That Armando Landin currently resides in Ontario, Oregon, Malheur County, State of

AFFIDAVIT

Oregon, and is a material witness for the State in the above entitled matter in that Armando Landin can testify that he/she was a witness to events occurring before, during and/or after the alleged crime which are relevant to the prosecution of this matter.

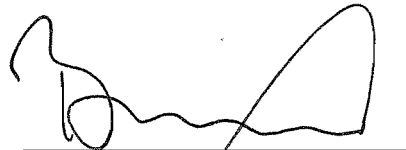
5. That the testimony of Armando Landin is necessary for a full and complete trial of the above named defendant for the crime of MURDER IN THE FIRST DEGREE.

6. That the witness resides approximately 8, miles from Payette, Idaho one way, a total distance of 16, miles round trip.

7. That the time which will be consumed by the witness traveling and testifying at the trial of the above named defendant will be approximately five (5) days. He will need to be available to testify on the 10th, 11th, 12th, 13th and 16th of October, 2006.

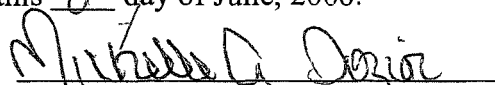
8. Witness fees for the above named Armando Landin are \$8.00 per day for witness fee's and \$6.00 per day for travel for a total amount of \$70.00.

9. It is my information and belief that the State of Oregon has enacted a Uniform Act to Secure Attendance of Witnesses from Without a State in Criminal Proceedings. The State of Idaho has likewise adopted that act, and it provides for immunity from service of process or arrest arising from, or in connection with, matters which began before the witness's entrance into the State of Idaho under said summons.

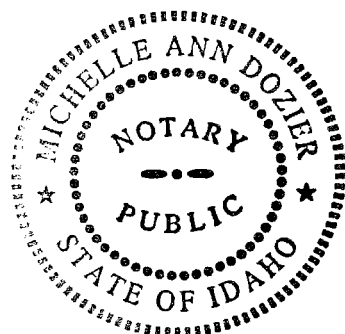


Brian Lee
Payette County Prosecuting Attorney

Subscribed and sworn to before me this 25th day of June, 2006.

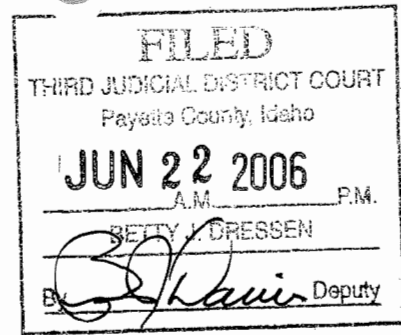


Notary for State of Idaho
Resides: New Plymouth, ID.
Commission Expires: 08/11/2011



AFFIDAVIT

Payette County Prosecuting Attorney
1130 Third Ave N.
Post Office Box 1001
Payette, ID 83661
208-642-6096
Fax: 208-642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

Defendant,

PETITION TO SECURE OUT OF STATE WITNESS

Your Petitioner is a duly qualified and acting Prosecuting Attorney in the State of Idaho,
for the County of Payette.

2.

The above-entitled criminal action is now pending in the above-entitled Court and Trial date for said action has been set by the Court for the 10th day of October, 2006, beginning at 9:00 a.m. The above-entitled criminal action is a prosecution of the charge of MURDER IN THE FIRST DEGREE, I.C. 18-4001, 02, 03, (FELONY).

3.

The State of Oregon has enacted a Uniform Act to Secure The Attendance Of A Witness From Without The State In Criminal Proceedings which is substantially similar to the act bearing

the same title in Idaho, I.C. 19-3005(2).

4.

Your Petitioner is informed and believes and therefore alleges that Armando Landin lives at 1069 NW 6th Ave., Ontario, Oregon.

5.

Your Petitioner is informed and believes and therefore alleges that Armando Landin is a material witness in the prosecution of the above-entitled criminal action which is now pending in the above-entitled Court.

6.

The attendance of the said Armando Landin will be required 5 day(s), commencing on the 10th day of October, 2006, for the purpose of securing his/her testimony as a material witness in the above-entitled action.

WHEREFORE, the Petitioner prays this Court to find:

1. That Armando Landin is a material witness in the prosecution pending in the above-entitled Court, a Court of record of the State of Idaho.

2. That the attendance of Armando Landin will be necessary for a period of 5 day(s), commencing on the 10th day of October, 2006.

3. That the District Court for the County of Malheur, State of Oregon, may obtain jurisdiction of the said Armando Landin.

4. That the Court order three (3) authenticated copies of this Petition, its Certificate and Order, and I.C. 19-3005(2) to be transmitted to the Clerk of the said District Court, for the

County of Malheur, for further proceedings in the above-entitled cause under the Uniform Act To Secure The Attendance of A Witness From Without A State In Criminal Proceedings.

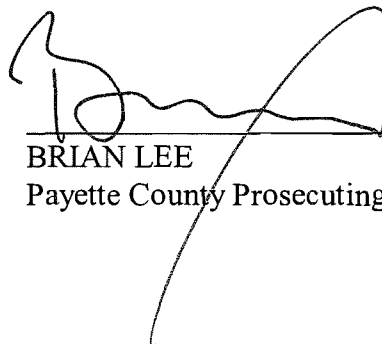
5. That this Court order the Auditor of Payette County to prepare and deliver to the Prosecuting Attorney a Payette County Warrant to be transmitted to the District Court in the amount of \$8.00 per day of required attendance upon this Court, and \$6.00 per day for travel which said sums total \$70.00.

PETITIONER FURTHER PRAYS:

1. That the District Court for the County of Malheur, State of Oregon, issue a summons with a copy of the Certificate and Order of the District Court, State of Idaho, for Payette County, attached thereto, directing the witness to attend and testify in the District Court, State of Idaho, for Payette County, Payette, Idaho, as prayed for in this Petition.

2. That the summons mentioned in the preceding paragraph requiring the said Armando Landin to appear before the District Court of the State of Idaho for Payette County, Payette, Idaho, for 5 day(s), commencing on the 10th day of October, 2006, at 9:00 A.M.

DATED this 25th day of June, 2006.



BRIAN LEE
Payette County Prosecuting Attorney

19-3005**Statutes and Session Law****TITLE 19 CRIMINAL PROCEDURE****CHAPTER 30 WITNESSES IN CRIMINAL PROCEEDINGS****19-3005 UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES.****19-3005 UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES.**

(1) Subpoenaing a Witness in This State to Testify in Another State. If a judge of a court of record in any state, which by its laws has made provisions for commanding persons within that state to attend and testify in criminal hearings or prosecutions in this state, certifies under the seal of such court that there is a criminal prosecution pending in such court that a person being within this state is a material witness in such prosecution, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing and shall notify the witness of such time and place.

If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state, and that the laws of the state in which the prosecution is pending and of any other state through which the witness may be required to pass by ordinary course of travel, will give to him protection from arrest and the service of civil and criminal process he shall issue a subpoena, with a copy of the certificate attached, directing the witness to attend and testify in the court where the hearing or prosecution is pending at a time and place specified in the subpoena.

If the witness, who is subpoenaed as above provided, after being tendered by some properly authorized person a prepaid, round trip airline ticket or, in the event that there is no regularly scheduled airline service available, a prepaid round trip ticket on any common carrier providing passenger transportation services to and from the court where the hearing or prosecution is pending and five dollars (\$5.00) for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the subpoena, he may be punished in the manner provided for the punishment of any witness who disobeys a subpoena issued from a court of record in this state.

(2) Witness From Another State Subpoenaed to Testify in This State. If a person in any state, which by its laws has made provisions for commanding persons within its borders to attend and testify in criminal hearings or prosecutions in this state, is a material witness in a hearing or prosecution pending in a court of record in this state, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required at such hearing or prosecution. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is subpoenaed to attend and testify in the criminal hearing or prosecution in this state he shall be tendered the sum of fifteen cents (15¢) a mile for each mile by the ordinarily traveled route, one (1) way, to and from the court where the hearing or prosecution is pending and five dollars (\$5.00) for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the subpoena shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless such extended period of time is obtained by the written consent of such witness.

(3) Have Exemption From Arrest and Service of Process. If a person comes into this state in obedience to a subpoena directing him to attend and testify in a criminal hearing or prosecution in this

state, he will not while in this state, pursuant to such subpoena, be subjected to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into this state under such subpoena.

If a person passes through this state while going to another state in obedience to a subpoena to attend and testify in a criminal hearing or prosecution in that state or while returning therefrom, he shall not while so passing through this state be subjected to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into this state under such subpoena.

(4) Uniformity of Interpretation. This section shall be interpreted and construed so as to effectuate its general purpose to make uniform the law of the states which enact it.

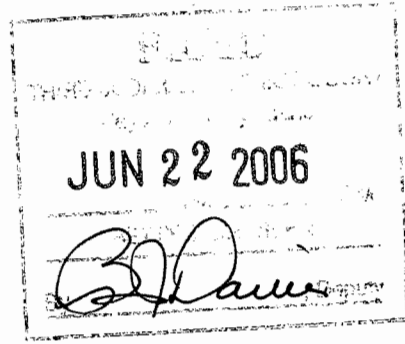
(5) Short Title. This section may be cited as "Uniform Act to Secure the Attendance of Witnesses in Criminal Cases."

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BRIAN LEE

Payette County Prosecuting Attorney
1130 Third Ave N.
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

vs.

HECTOR B. ALMARAZ,

Defendant,

Case No. CR-2006-0001324

**MOTION FOR PAYMENT OF
WITNESS FEES**

The State of Idaho, by and through the Payette County Prosecutor, respectfully moves the Court for an Order directing the Payette County Auditor to advance funds to Armando Landin for payment of witness fees and mileage in the amount of \$70.00. Said witness is necessary for a Trial in this matter, and said sum is reasonable for the expense of the witness.

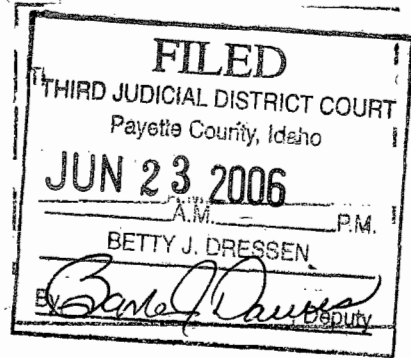
DATED this 25th day of June, 2006.

A handwritten signature of Brian Lee in black ink.

Brian Lee
Payette County Prosecuting Attorney

MOTION FOR PAYMENT OF
WITNESS FEES

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	Case No. CR-2006-0001324
)	
Plaintiff,)	
)	
vs.	)	CERTIFICATE TO SECURE
	)	ATTENDANCE OF A WITNESS
HECTOR B. ALMAREZ,	)	FROM OUTSIDE THE STATE OF
	)	IDAHO
)	
Defendant.)	

THIS MATTER having come on before this Court on the Motion of the Prosecuting Attorney for Payette County, and the Court having examined the Motion and Affidavit, and being fully advised.

NOW THEREFORE, this Court finds and certifies that:

- (1) There is a criminal prosecution pending in the above entitled court and that said criminal prosecution has been set to commence on the 10th day of October, 2006 at the hour of 9:00 a.m. in the Payette County Courthouse, 1130 Third Ave. N., Payette, Payette County, Idaho:
- (2) That Armando Landin is a material witness in the criminal prosecution pending in the

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS
FROM WITHOUT THE STATE OF IDAHO

above entitled court;


(3) That the attendance of said Armando Landin will be necessary for a period of five (5) days, to-wit: the 10th, 11th, 12th, 13th and 16th day of October, 2006 ; this includes travel days.

(4) That the District Court of the State of Oregon for the County of Malheur, may obtain jurisdiction over the said Armando Landin.

THEREFORE, IT IS HEREBY ORDERED AND DECREED that three copies of the affidavit, certificate, and order, and a copy of the Uniform Act to Secure Attendance of Witnesses from Without a State in a Criminal Proceeding be transmitted to the Clerk of the District Court of the State of Oregon, for the County of Malheur, wherein the material witness Armando Landin resides and requests that for such criminal proceedings be held as are appropriate in that court under the Uniform Act to Secure the Attendance of a Witness from Without a State in Criminal Proceedings for the purpose of securing the attendance of the said Armando Landin upon this criminal prosecution for a period of five (5) days; to-wit: 10th, 11th, 12th, 13th and 16th of October, 2006. (THIS INCLUDES TRAVEL TIME).

IT IS FURTHER ORDERED AND DECREED that the Payette County Clerk, or her designee, shall forthwith prepare a certified check in the sum of \$70.00 from the Payette County Prosecutors Witness Fees Account.

Dated this 23 day of June, 2006.



District Judge

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS
FROM WITHOUT THE STATE OF IDAHO

Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661 (208) 642-6096
Fax: (208) 642-6099

FILED
THIRD JUDICIAL DISTRICT COURT
Payette County, Idaho
JUN 23 2006
A.M. P.M.
BETTY J. DRESSEN
By [Signature] Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

VS.

HECTOR B. ALMAREZ

Defendant,

Case No. CR-2006-0001324

ORDER FOR PAYMENT OF WITNESS FEES

ORDER

IT IS HEREBY ORDERED that the County Auditor advance funds in the sum of \$70.00 to Armando Landin for payment of witness fees and mileage.

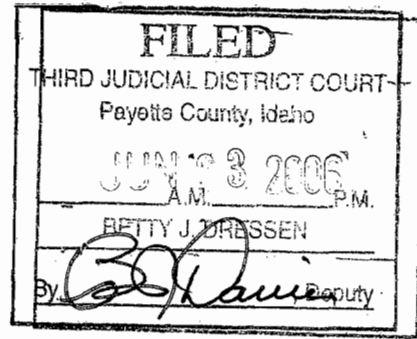
DATED this 25 day of Feb, 2006.

District Judge

MOTION FOR PAYMENT OF WITNESS FEES

BRIAN LEE

Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

vs.

HECTOR B. ALMAREZ,

Defendant.

) Case No. CR-2006-0001324
)
)
) **CERTIFICATE TO SECURE**
) **ATTENDANCE OF A WITNESS**
) **FROM OUTSIDE THE STATE OF**
) **IDAHO**
)
)
)

THIS MATTER having come on before this Court on the Motion of the Prosecuting Attorney for Payette County, and the Court having examined the Motion and Affidavit, and being fully advised.

NOW THEREFORE, this Court finds and certifies that:

(1) There is a criminal prosecution pending in the above entitled court and that said criminal prosecution has been set to commence on the 10th day of October, 2006 at the hour of 9:00 a.m. in the Payette County Courthouse, 1130 Third Ave. N., Payette, Payette County, Idaho:

(2) That Priscilla Mata is a material witness in the criminal prosecution pending in the

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS
FROM WITHOUT THE STATE OF IDAHO

above entitled court;

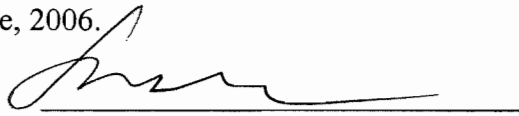
(3) That the attendance of said Priscilla Mata will be necessary for a period of five (5) days, to-wit: the 10th, 11th, 12th, 13th and 16th day of October, 2006 ; this includes travel days.

(4) That the District Court of the State of Oregon for the County of Malheur, may obtain jurisdiction over the said Priscilla Mata.

THEREFORE, IT IS HEREBY ORDERED AND DECREED that three copies of the affidavit, certificate, and order, and a copy of the Uniform Act to Secure Attendance of Witnesses from Without a State in a Criminal Proceeding be transmitted to the Clerk of the District Court of the State of Oregon, for the County of Malheur, wherein the material witness Priscilla Mata resides and requests that for such criminal proceedings be held as are appropriate in that court under the Uniform Act to Secure the Attendance of a Witness from Without a State in Criminal Proceedings for the purpose of securing the attendance of the said Priscilla Mata upon this criminal prosecution for a period of five (5) days; to-wit: 10th, 11th, 12th, 13th and 16th of October, 2006. (THIS INCLUDES TRAVEL TIME).

IT IS FURTHER ORDERED AND DECREED that the Payette County Clerk, or her designee, shall forthwith prepare a certified check in the sum of \$ 70.00 from the Payette County Prosecutors Witness Fees Account.

Dated this 23 day of June, 2006.


District Judge

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS
FROM WITHOUT THE STATE OF IDAHO

Payette County Prosecuting Attorney
 1130 Third Avenue North
 Room 105
 Payette, ID 83661
 (208) 642-6096
 Fax: (208) 642-6099

FILED

THIRD JUDICIAL DISTRICT COURT

Payette County, Idaho

JUN 23 2006

AM P.M.

BETTY J. DRESSSEN

By *[Signature]* Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Case No. CR-2006-0001324

Plaintiff,

VS.

ORDER FOR PAYMENT OF WITNESS FEES

HECTOR B. ALMAREZ

Defendant,

ORDER

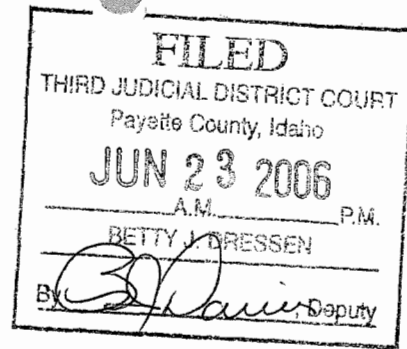
IT IS HEREBY ORDERED that the County Auditor advance funds in the sum of \$70.00 to Priscilla Mata for payment of witness fees and mileage.

DATED this 2 day of Feb, 2006.

District Judge

MOTION FOR PAYMENT OF WITNESS FEES

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	Case No. CR-2006-0001324
)	
Plaintiff,)	
)	
vs.	)	CERTIFICATE TO SECURE
	)	ATTENDANCE OF A WITNESS
	)	FROM OUTSIDE THE STATE OF
	)	IDAHO
HECTOR B. ALMAREZ,)	
)	
Defendant.)	

THIS MATTER having come on before this Court on the Motion of the Prosecuting Attorney for Payette County, and the Court having examined the Motion and Affidavit, and being fully advised.

NOW THEREFORE, this Court finds and certifies that:

(1) There is a criminal prosecution pending in the above entitled court and that said criminal prosecution has been set to commence on the 10th day of October, 2006 at the hour of 9:00 a.m. in the Payette County Courthouse, 1130 Third Ave. N., Payette, Payette County, Idaho:

(2) That Ismelda Longoria is a material witness in the criminal prosecution pending in the

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS
FROM WITHOUT THE STATE OF IDAHO

above entitled court;

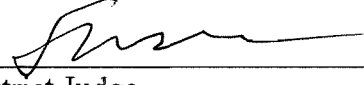
(3) That the attendance of said Ismelda Longoria will be necessary for a period of five (5) days, to-wit: the 10th, 11th, 12th, 13th and 16th day of October, 2006 ; this includes travel days.

(4) That the District Court of the State of Oregon for the County of Malheur, may obtain jurisdiction over the said Ismelda Longoria.

THEREFORE, IT IS HEREBY ORDERED AND DECREED that three copies of the affidavit, certificate, and order, and a copy of the Uniform Act to Secure Attendance of Witnesses from Without a State in a Criminal Proceeding be transmitted to the Clerk of the District Court of the State of Oregon, for the County of Malheur, wherein the material witness Ismelda Longoria resides and requests that for such criminal proceedings be held as are appropriate in that court under the Uniform Act to Secure the Attendance of a Witness from Without a State in Criminal Proceedings for the purpose of securing the attendance of the said Ismelda Longoria upon this criminal prosecution for a period of five (5) days; to-wit: 10th, 11th, 12th, 13th and 16th of October, 2006. (THIS INCLUDES TRAVEL TIME).

IT IS FURTHER ORDERED AND DECREED that the Payette County Clerk, or her designee, shall forthwith prepare a certified check in the sum of \$70.00 from the Payette County Prosecutors Witness Fees Account.

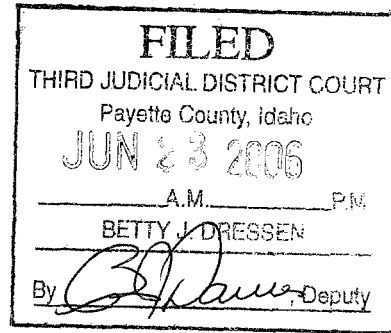
Dated at Payette, Payette County, Idaho this 23 day of June, 2006.



District Judge

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS
FROM WITHOUT THE STATE OF IDAHO

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



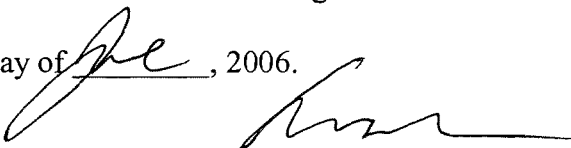
IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	Case No. CR-2006-0001324
)	
Plaintiff,)	
	)	ORDER FOR PAYMENT OF
vs.	)	WITNESS FEES
)	
)	
HECTOR B. ALMAREZ)	
)	
Defendant,)	
_____)	

ORDER

IT IS HEREBY ORDERED that the County Auditor advance funds in the sum of \$70.00 to Ismelda Longoria for payment of witness fees and mileage.

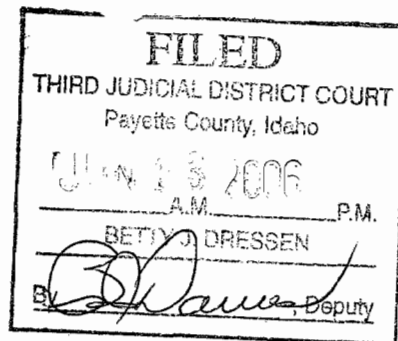
DATED this 23 day of June, 2006.



District Judge

MOTION FOR PAYMENT OF
WITNESS FEES

Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

* * * * *

Defendant.

**CERTIFICATE TO SECURE
ATTENDANCE OF A WITNESS
FROM OUTSIDE THE STATE OF
IDAHO**

THIS MATTER having come on before this Court on the Motion of the Prosecuting Attorney for Payette County, and the Court having examined the Motion and Affidavit, and being fully advised.

NOW THEREFORE, this Court finds and certifies that:

(1) There is a criminal prosecution pending in the above entitled court and that said criminal prosecution has been set to commence on the 10th day of October, 2006 at the hour of 9:00 a.m. in the Payette County Courthouse, 1130 Third Ave. N., Payette, Payette County, Idaho:

(2) That Carolina Villegas is a material witness in the criminal prosecution pending in the

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS
FROM WITHOUT THE STATE OF IDAHO

above entitled court;

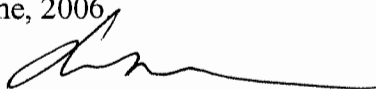
(3) That the attendance of said Carolina Villegas will be necessary for a period of five (5) days, to-wit: the 10th, 11th, 12th, 13th and 16th day of October, 2006 ; this includes travel days.

(4) That the District Court of the State of Oregon for the County of Malheur, may obtain jurisdiction over the said Carolina Villegas.

THEREFORE, IT IS HEREBY ORDERED AND DECREED that three copies of the affidavit, certificate, and order, and a copy of the Uniform Act to Secure Attendance of Witnesses from Without a State in a Criminal Proceeding be transmitted to the Clerk of the District Court of the State of Oregon, for the County of Malheur, wherein the material witness Carolina Villegas resides and requests that for such criminal proceedings be held as are appropriate in that court under the Uniform Act to Secure the Attendance of a Witness from Without a State in Criminal Proceedings for the purpose of securing the attendance of the said Carolina Villegas upon this criminal prosecution for a period of five (5) days; to-wit: 10th, 11th, 12th, 13th and 16th of October, 2006. (THIS INCLUDES TRAVEL TIME).

IT IS FURTHER ORDERED AND DECREED that the Payette County Clerk, or her designee, shall forthwith prepare a certified check in the sum of \$70.00 from the Payette County Prosecutors Witness Fees Account.

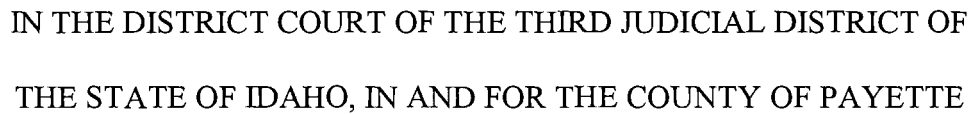
Dated this 23 day of June, 2006



District Judge

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS
FROM WITHOUT THE STATE OF IDAHO

Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



Defendant,

ORDER FOR PAYMENT OF WITNESS FEES

ORDER

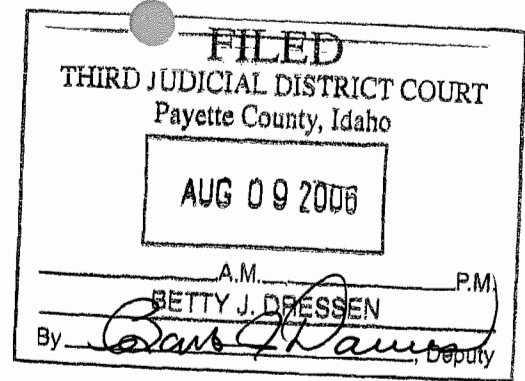
IT IS HEREBY ORDERED that the County Auditor advance funds in the sum of \$70.00 to Carolina Villegas for payment of witness fees and mileage.

DATED this 23 day of Dec, 2006.

District Judge

MOTION FOR PAYMENT OF WITNESS FEES

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

vs.

HECTOR B. ALMARAZ,

Defendant,

CASE NO: CR-2006-0001324

MOTION

ORIGINAL

COMES NOW the State of Idaho by and through Brian Lee, Payette County Prosecuting Attorney, and based upon the accompanying affidavit, moves the court for the issuance of a certificate finding that Armando Landin is a necessary and material witness in the above entitled criminal case;

That a full and complete trial of the above entitled defendant for the crime of **MURDER IN THE FIRST DEGREE, I.C. 18-4001, 02, 03, (FELONY)**, requires that the said Armando Landin appear and testify before the above entitled court at the said trial commencing on the 10th

MOTION

day of October, 2006;

That the time required for him to testify at the trial of the said matter is five (5) days.

(This includes travel time).

DATED at Payette, Payette County, Idaho this 9 day of August, 2006.

A handwritten signature in black ink, appearing to read "Anne-Marie Kelso", written over a horizontal line.

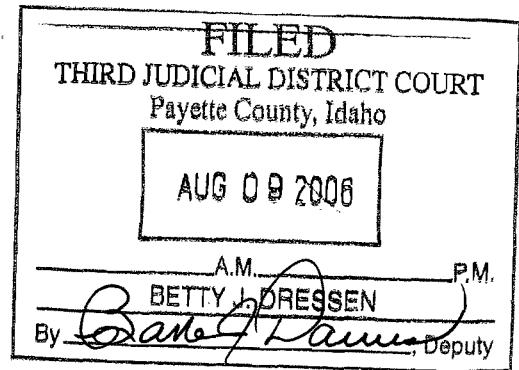
ANNE-MARIE KELSO

Payette County Deputy Prosecuting Attorney

MOTION

BRIAN LEE

Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

vs.

HECTOR B. ALMARAZ,

Defendant.

) Case No. CR-2006-001324
)
)
)
)
)
)
)
)
)
)

AFFIDAVIT

ORIGINAL

STATE OF IDAHO,)

ss.

County of Payette,)

I, Brian Lee, being first duly sworn, depose and say:

1. I am the Prosecutor for Payette County Idaho, currently prosecuting the above entitled case.
2. That there is on file with the Third Judicial District, Payette County an Information charging the defendant with the crime of MURDER IN THE FIRST DEGREE.
3. That the Information was filed with the District Court on the 2nd day of June, 2006.
4. That Armando Landin currently resides in Ontario, Oregon, Malheur County, State of

AFFIDAVIT

Oregon, and is a material witness for the State in the above entitled matter in that Armando Landin can testify that he/she was a witness to events occurring before, during and/or after the alleged crime which are relevant to the prosecution of this matter.

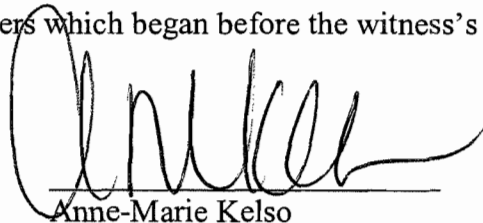
5. That the testimony of Armando Landin is necessary for a full and complete trial of the above named defendant for the crime of MURDER IN THE FIRST DEGREE.

6. That the witness resides approximately 8, miles from Payette, Idaho one way, a total distance of 16, miles round trip.

7. That the time which will be consumed by the witness traveling and testifying at the trial of the above named defendant will be approximately five (5) days. He will need to be available to testify on the 10th, 11th, 12th, 13th and 16th of October, 2006.

8. Witness fees for the above named Armando Landin are \$8.00 per day for witness fee's and \$6.00 per day for travel for a total amount of \$70.00.

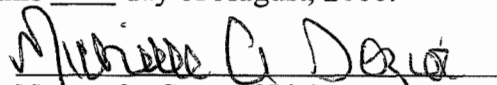
9. It is my information and belief that the State of Oregon has enacted a Uniform Act to Secure Attendance of Witnesses from Without a State in Criminal Proceedings. The State of Idaho has likewise adopted that act, and it provides for immunity from service of process or arrest arising from, or in connection with, matters which began before the witness's entrance into the State of Idaho under said summons.



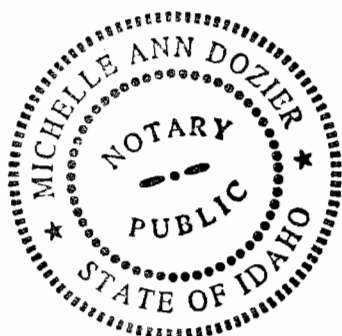
Anne-Marie Kelso

Payette County Deputy Prosecuting Attorney

Subscribed and sworn to before me this 9th day of August, 2006.

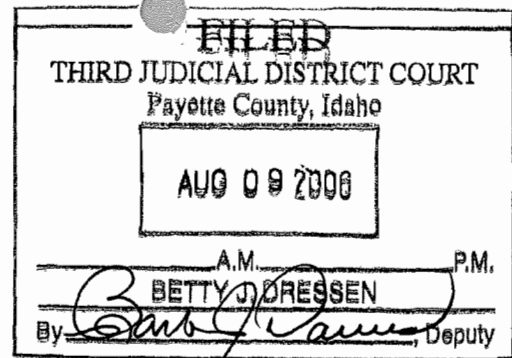


Michelle A. Dozier
Notary for State of Idaho
Resides: New Plymouth, ID.
Commission Expires: 08/11/2011



AFFIDAVIT

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Ave N.
Post Office Box 1001
Payette, ID 83661
208-642-6096
Fax: 208-642-6099



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	Case No. CR-2006-0001324
)	
Plaintiff,)	
)	
vs.	)	PETITION TO SECURE OUT OF
	)	STATE WITNESS
)	
HECTOR B. ALMARAZ,)	
)	
Defendant,)	
_____)	

ORIGINAL

Your Petitioner is a duly qualified and acting Prosecuting Attorney in the State of Idaho,
for the County of Payette.

2.

The above-entitled criminal action is now pending in the above-entitled Court and Trial
date for said action has been set by the Court for the 10th day of October, 2006, beginning at 9:00
a.m. The above-entitled criminal action is a prosecution of the charge of MURDER IN THE
FIRST DEGREE, I.C. 18-4001, 02, 03, (FELONY).

3.

The State of Oregon has enacted a Uniform Act to Secure The Attendance Of A Witness
From Without The State In Criminal Proceedings which is substantially similar to the act bearing

the same title in Idaho, I.C. 19-3005(2).

4.

Your Petitioner is informed and believes and therefore alleges that Armando Landin lives at 659 SE 2nd Street, Ontario, Oregon.

5.

Your Petitioner is informed and believes and therefore alleges that Armando Landin is a material witness in the prosecution of the above-entitled criminal action which is now pending in the above-entitled Court.

6.

The attendance of the said Armando Landin will be required 5 day(s), commencing on the 10th day of October , 2006, for the purpose of securing his/her testimony as a material witness in the above-entitled action.

WHEREFORE, the Petitioner prays this Court to find:

1. That Armando Landin is a material witness in the prosecution pending in the above-entitled Court, a Court of record of the State of Idaho.

2. That the attendance of Armando Landin will be necessary for a period of 5 day(s), commencing on the 10th day of October, 2006.

3. That the District Court for the County of Malheur, State of Oregon, may obtain jurisdiction of the said Armando Landin.

4. That the Court order three (3) authenticated copies of this Petition, its Certificate and Order, and I.C. 19-3005(2) to be transmitted to the Clerk of the said District Court, for the

PETITION TO SECURE OUT OF STATE
WITNESS - 2

County of Malheur, for further proceedings in the above-entitled cause under the Uniform Act To Secure The Attendance of A Witness From Without A State In Criminal Proceedings.

5. That this Court order the Auditor of Payette County to prepare and deliver to the Prosecuting Attorney a Payette County Warrant to be transmitted to the District Court in the amount of \$8.00 per day of required attendance upon this Court, and \$6.00 per day for travel which said sums total \$70.00.

PETITIONER FURTHER PRAYS:

1. That the District Court for the County of Malheur, State of Oregon, issue a summons with a copy of the Certificate and Order of the District Court, State of Idaho, for Payette County, attached thereto, directing the witness to attend and testify in the District Court, State of Idaho, for Payette County, Payette, Idaho, as prayed for in this Petition.

2. That the summons mentioned in the preceding paragraph requiring the said Armando Landin to appear before the District Court of the State of Idaho for Payette County, Payette, Idaho, for 5 day(s), commencing on the 10th day of October, 2006, at 9:00 A.M.

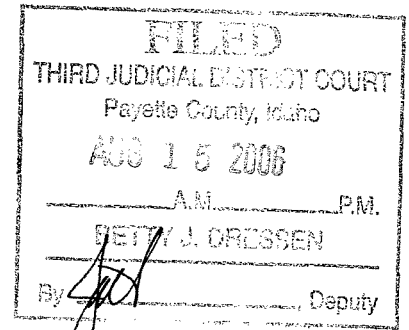
DATED this ____ day of August, 2006.



ANNE-MARIE KELSO

Payette County Deputy Prosecuting Attorney

BRIAN LEE
Payette County Prosecuting Attorney
1130 Third Avenue North
Room 105
Payette, ID 83661
(208) 642-6096
Fax: (208) 642-6099



ORIGINAL

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	Case No. CR-2006-0001324
)	
Plaintiff,)	
	)	CERTIFICATE TO SECURE
	)	ATTENDANCE OF A WITNESS
vs.	)	FROM OUTSIDE THE STATE OF
	)	IDAHO
HECTOR B. ALMAREZ,)	
)	
Defendant.)	

THIS MATTER having come on before this Court on the Motion of the Prosecuting Attorney for Payette County, and the Court having examined the Motion and Affidavit, and being fully advised.

NOW THEREFORE, this Court finds and certifies that:

(1) There is a criminal prosecution pending in the above entitled court and that said criminal prosecution has been set to commence on the 10th day of October, 2006 at the hour of 9:00 a.m. in the Payette County Courthouse, 1130 Third Ave. N., Payette, Payette County, Idaho:

(2) That Armando Landin is a material witness in the criminal prosecution pending in the

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS
FROM WITHOUT THE STATE OF IDAHO

above entitled court;

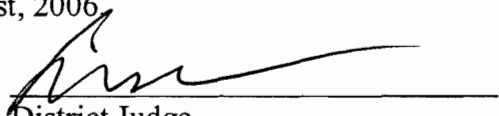
(3) That the attendance of said Armando Landin will be necessary for a period of five (5) days, to-wit: the 10th, 11th, 12th, 13th and 16th day of October, 2006 ; this includes travel days.

(4) That the District Court of the State of Oregon for the County of Malheur, may obtain jurisdiction over the said Armando Landin.

THEREFORE, IT IS HEREBY ORDERED AND DECREED that three copies of the affidavit, certificate, and order, and a copy of the Uniform Act to Secure Attendance of Witnesses from Without a State in a Criminal Proceeding be transmitted to the Clerk of the District Court of the State of Oregon, for the County of Malheur, wherein the material witness Armando Landin resides and requests that for such criminal proceedings be held as are appropriate in that court under the Uniform Act to Secure the Attendance of a Witness from Without a State in Criminal Proceedings for the purpose of securing the attendance of the said Armando Landin upon this criminal prosecution for a period of five (5) days; to-wit: 10th, 11th, 12th, 13th and 16th of October, 2006. (THIS INCLUDES TRAVEL TIME).

IT IS FURTHER ORDERED AND DECREED that the Payette County Clerk, or her designee, shall forthwith prepare a certified check in the sum of \$70.00 from the Payette County Prosecutors Witness Fees Account.

Dated this 15 day of August, 2006.


District Judge

CERTIFICATE TO SECURE ATTENDANCE OF WITNESS
FROM WITHOUT THE STATE OF IDAHO

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Road Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740

Attorney for Defendant

FILED	
THIRD JUDICIAL DISTRICT COURT	
Payette County, Idaho	
AUG 16 2006	
A.M. 2:50	P.M.
BETTY J. DRESSEN	
By	Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR 2006-1324
)	
Plaintiff,)	
)	
vs.	)	MOTION FOR APPOINTMENT
	)	OF DEFENSE EXPERTS
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	

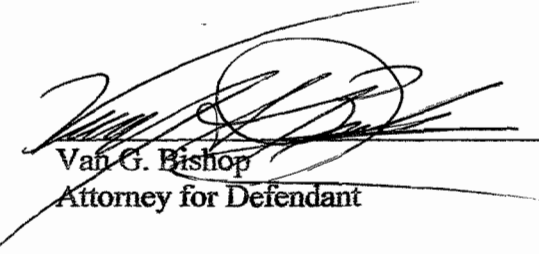
COMES NOW the defendant, by and through his attorneys of record, VAN G. BISHOP, and NANCY CALLAHAN, and hereby moves the Court for an Order Appointing Defense Experts on the following grounds:

1. Defendant in this matter is charged with the crime of Murder in the First Degree and the Prosecuting Attorney has filed a notice seeking the Death Penalty;
2. The mandates of "Wiggins" requires that the defense conduct a thorough and complete investigation of the facts surrounding the incident, the physical evidence for purposes of the case in chief, and obtain the social history, collect and evaluate life history records of the defendant , as well as a mental health evaluation of the defendant for MITIGATION purposes;

3. The defense has inquired concerning a private investigator in the area that is bilingual and has determined that JESSIE H. GARCIA of Ontario, Oregon, a licensed investigator in the state of Oregon, has the experience and expertise required. Mr. Garcia's hourly rate is \$60 plus reasonable expenses for providing those services (photos, copies, audio tapes, etc.) plus mileage at the county rate. There are a significant number of potential witnesses, which need to be identified and tracked down and interviewed as well as a complicated surveillance tape to review. It is anticipated that investigation could require 250 hours or more;
4. The defense has investigated mitigation experts and has determined that the most efficient mitigation and mental health evaluation would be by obtaining the services of Dr. RICHARD CERVANTES AND ASSOCIATES, also known as CROSS-BORDER CAPITAL MITIGATION. Dr. Cervantes has worked with lead counsel on previous death penalty cases and has considerable research and experience with Hispanic clients, both immigrants and second and third generation of immigrants, gang affiliation and violence, and mental health testing and evaluations. Dr. Cervantes Mitigation Team will conduct the social history investigation, interviews with family and extended family members, friends, teachers and associates, collection and evaluation of life history records including education, institutional etc. The hourly rate of Dr. Cervantes and associates are for Mental Health Evaluation \$150 per hour (Psychologist), and for the associate Mitigation Expert \$60 per hour plus reasonable expenses, mileage and travel. The Mental Health Evaluation and consultation with associates and counsel would require 35 to 50 hours of Dr. Cervantes time and the records collection and interviews would require some 200 to 250 hours of associates time;

5. The prosecution has submitted physical evidence to the Idaho State Lab for forensic evaluation. There is also an autopsy report with a gunshot wound that needs evaluation and possible trajectory analysis of the entry wound. Depending on the findings of the State Lab (reports not yet received) DNA as well as other forensics analysis may be required. Defense has used FORENSIC ANALYTICAL SPECIALISTS of Hayward, California in the past for evaluation of the evidence and assistance in what evidence should be retested. An initial review of the evidence and Autopsy report is estimated at \$5,000. The Lab has the capabilities of performing all required retesting and trajectory analysis, which may be required.
6. In order to meet the mandates of "Wiggins" and due process and fundamental fairness, the Court authorize the appointment of the above Experts for the defense, who should be paid on a per invoice basis, after being submitted along with a County Claim Form.

DATED this 16th day of August, 2006.



Van G. Bishop
Attorney for Defendant

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Appointment of Defense Experts was delivered to Payette County Prosecuting Attorney on the 16th day of August, 2006.



Van G. Bishop

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Road Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740

Attorney for Defendant

FILED	
THIRD JUDICIAL DISTRICT COURT	
Payette County, Idaho	
AUG 16 2006	
A.M. 2:50	P.M.
BETTY J. DRESSEN	
By	Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
HECTOR B. ALMARAZ,)
)
Defendant.)
_____)

CASE NO. CR 2006-1324

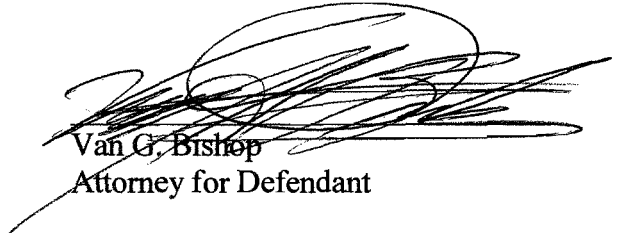
**MOTION FOR IN CHAMBERS
STATUS CONFERENCE AND
SCHEDULING ORDER**

COMES NOW the defendant, by and through his attorneys of record, VAN G. BISHOP, and NANCY CALLAHAN, and hereby moves the Court for an In Chambers Status Conference and Scheduling Order:

1. Defendant in this matter is charged with the crime of Murder in the First Degree and the Prosecuting Attorney has filed a notice seeking the Death Penalty;
2. The matter was scheduled for a 5 day trial to begin on October 10, 2006;
3. The physical evidence has been submitted to the Idaho State Lab for analysis and has not yet been returned from the lab and no reports have been made available for the defense;
4. The matter now being a Capital Case will require that the jury be death qualified and could take substantially longer than the 5 days now allotted for the trial;

5. The defense must conduct a mitigation investigation and obtain a mental health evaluation prior to trial;
6. The defense will require analysis of the physical evidence by a private forensic lab;
7. It would be in the best interests of the defense, prosecution and the courts that a conference be held and a scheduling order be entered for the turnover of physical evidence, adequate time for preparation for trial and adequate trial days.

DATED this 16th day of August, 2006.



Van G. Bishop
Attorney for Defendant

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Appointment of Defense Experts was delivered to Payette County Prosecuting Attorney on the 16th day of August, 2006.



Van G. Bishop

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Road Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740

Attorney for Defendant

FILED	
THIRD JUDICIAL DISTRICT COURT	
Payette County, Idaho	
AUG 17 2006	
A.M.	4:52 P.M.
DETTY J. DRESSEN	
By	Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	CASE NO. CR 2006-1324
)	
Plaintiff,	)	MOTION FOR ORDER TO PRODUCE
	)	PRELIMINARY HEARING
vs.	)	TRANSCRIPT
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	

COMES NOW the above-named Defendant, by and through his attorney of record, VAN G. BISHOP, of the LAW OFFICES OF VAN G. BISHOP, and moves this Court for an order to produce the PRELIMINARY HEARING TRANSCRIPT, of the above-named Defendant on this matter.

This Motion is made pursuant to the provisions of the Idaho Rules of Criminal Procedure 5.2 (a) (2), 5.2(c), and 5.2(e).

CERTIFICATE OF SERVICE: I HEREBY CERTIFY that a true and correct copy of the above and foregoing MOTION FOR ORDER TO PRODUCE PRELIMINARY HEARING TRANSCRIPT was delivered to the office of the PAYETTE COUNTY PROSECUTING ATTORNEY, by facsimile and placing a copy in the U.S. Mail, Postage Prepaid to, 1130 Third Ave. North Room #105 83661 this date.

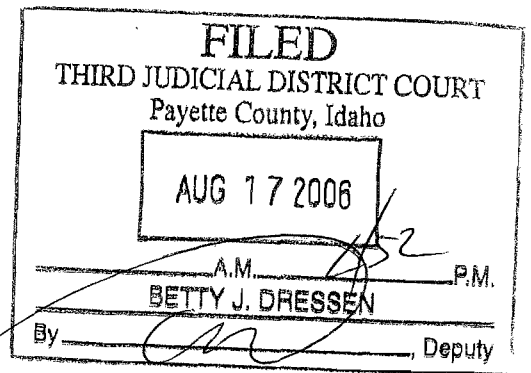
DATED this 16 day of August, 2006.


VAN G. BISHOP
Attorney for Defendant

ORIGINAL

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Road Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740

Attorney for Defendant



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR 2006-1324
)	
Plaintiff,)	
)	
vs.	)	MOTION FOR CAPITAL OFFENSE
	)	ATTORNEY FEE HOURLY RATE
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
_____)	

COMES NOW the defendant, by and through his attorneys of record, VAN G. BISHOP, and NANCY CALLAHAN, and hereby moves the Court for an Order for Defense Counsel Hourly Rate of Compensation for Death Qualified Attorneys on the following grounds:


1. That counsel for the defendant were appointed in the Magistrate Court as Capital Case Qualified Attorneys, Van Bishop being the lead attorney and being qualified and on the Idaho Supreme Court approved list, Nancy Callahan being the second chair and deemed qualified by the Magistrate Judge and having filed her application with the Court;
2. That reasonable compensation for a second chair in a capital case would be \$115 per hour;

ORIGINAL

3. That reasonable compensation for the lead attorney in a capital case would be \$125 per hour;
4. That there are a significant number of witnesses at the scene of the incident and a considerable amount of attorney's time and effort will need to be spent on the defense of the defendant;
5. That time away from the office of the attorneys cannot be supplemented by private clients if due diligence and exhaustive investigation and preparation is done;
6. That the normal and customary hourly rate of both attorneys is in excess of \$150 per hour for retained clients.

NOW THEREFORE it is requested that the Court approve as reasonable compensation the hourly rate of \$115 per hour for NANCY CALLAHAN and \$125 per hour for VAN BISHOP.

DATED this 17th day of August 2006.



Van G. Bishop
Attorney for Defendant

CERTIFICATE OF DELIVERY

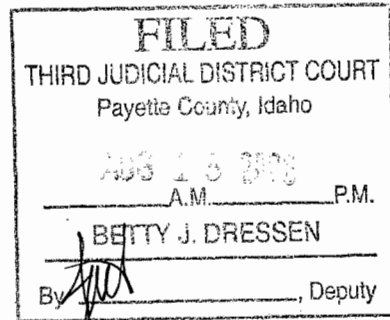
I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Appointment of Defense Experts was delivered to Payette County Prosecuting Attorney on the 17th day of August 2006.



Van G. Bishop

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Road Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740

Attorney for Defendant



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE


STATE OF IDAHO,)	CASE NO. CR 2006-1324
)	
Plaintiff,)	
)	
vs.	)	ORDER FOR ATTORNEY COMPENSATION
	)	IN CAPITAL MURDER CASE
	)	(HOURLY RATE OF COMPENSATION)
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
)	

THIS MATTER having come before the Court on Defendant's Motion for Approval of a reasonable hourly rate of compensation for attorneys in a Capital Case and good cause appearing therefore,

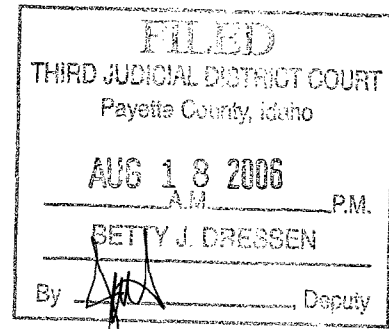
IT IS HEREBY ORDERED that NANCY CALLAHAN, as Second Chair shall be compensated at the rate of \$115 per hour.

IT IS FURTHER ORDERED that VAN BISHOP, as Lead Counsel shall be compensated at the rate of \$125 per hour.

DATED this 18 day of August 2006.


District Judge

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Road Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740



Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	CASE NO. CR 2006-1324
)	
Plaintiff,)	
	)	ORDER TO APPOINT JESSIE H.
vs.	)	GARCIA AS DEFENSE INVESTIGATOR
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
_____)	


THIS MATTER having come before the Court on Defendant's Motion for Appointment of Defense Experts and good cause appearing therefore,

IT IS HEREBY ORDERED that JESSIE H. GARCIA is hereby appointed as Investigator for the defense and shall be paid from the Capital Defense Fund.

IT IS FURTHER ORDERED that the rate of compensation shall be \$60 per hour for JESSIE H. GARCIA plus reasonable expenses. Mr. Garcia shall not exceed 200 hours plus

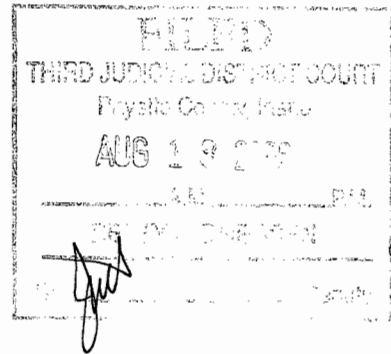
expenses without further order of this Court. Total amount approved without further order of the Court for compensation including expenses is \$13,500.

DATED this 18 day of August 2006.



District Judge

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Road Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740



Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	CASE NO. CR 2006-1324
)	
Plaintiff,)	
)	
vs.	)	ORDER TO APPOINT RICHARD
	)	CERVANTES, PHD AND ASSOCIATES
	)	AS DEFENSE MITIGATION EXPERT
HECTOR B. ALMARAZ,	)	AND FOR MENTAL EVALUATION
)	
Defendant.)	
)	

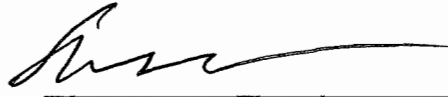
THIS MATTER having come before the Court on Defendant's Motion for Appointment of Defense Experts and good cause appearing therefore,

IT IS HEREBY ORDERED that RICHARD CERVANTES, PHD. AND ASSOCIATES are hereby appointed as mitigation experts and mental health evaluator for the defense and shall be paid from the Capital Defense Fund.

IT IS FURTHER ORDERED that the rate of compensation shall be \$150 per hour for Dr. Cervantes plus reasonable expenses and \$60 per hour for mitigation investigators plus reasonable expenses. Dr Cervantes shall not exceed 35 hours and associates shall not exceed 200 hours plus

expenses without further order of this Court. Total amount approved without further order of the Court for compensation including expenses is \$20,000.

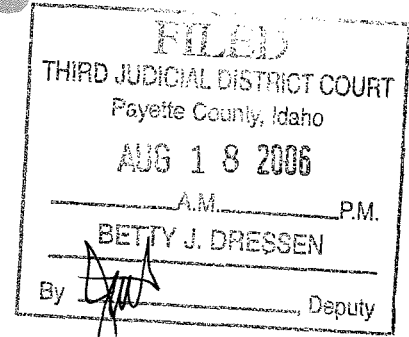
DATED this 18 day of August 2006.



District Judge

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Road Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740

Attorney for Defendant



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	CASE NO. CR 2006-1324
)	
Plaintiff,)	
)	
vs.	)	ORDER TO APPOINT FORENSIC
	)	ANALYTICAL SPECIALISTS AS
	)	CONSULTANT FOR DEFENSE
HECTOR B. ALMARAZ,)	
)	
Defendant.)	

THIS MATTER having come before the Court on Defendant's Motion for Appointment of Defense Experts and good cause appearing therefore,

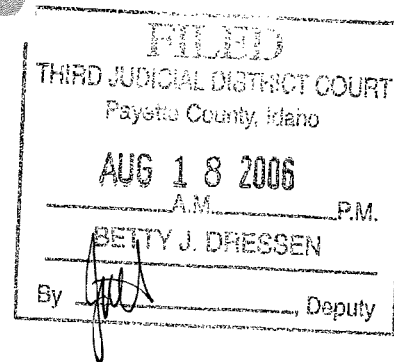
IT IS HEREBY ORDERED that FORENSIC ANALYTICAL SPECIALISTS is hereby appointed as a consultant for analysis of the physical evidence and autopsy for the defense and shall be paid from the Capital Defense Fund.

IT IS FURTHER ORDERED that the total amount approved without further order of the Court for compensation including expenses is \$5,000.

DATED this 18 day of August 2006.


District Judge

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Road Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740



Attorney for Defendant


IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	CASE NO. CR 2006-1324
)	
Plaintiff,	)	ORDER TO PRODUCE
	)	PRELIMINARY HEARING
vs.	)	TRANSCRIPT
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	

The above-named Defendant having filed a Motion for an Order to Produce the transcript of the Preliminary Hearing of the above-named Defendant, and good cause appearing therefor;

IT IS HEREBY ORDERED AND THIS DOES ORDER, that the Preliminary Hearing Transcript, be prepared and submitted to the LAW OFFICES OF VAN G. BISHOP, on or before the _____ day of _____, 2006.

DATED this 18 day of August 2006.



District Judge

CERTIFICATE OF SERVICE

STATE OF IDAHO)
) ss:
County of Canyon)

I HEREBY CERTIFY that I served true and correct copies of the foregoing document upon the following:


PAYETTE COUNTY PROSECUTING ATTORNEY
1130 Third Ave. North
Room #105
Payette, ID 83661

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12th Avenue Road Ste. B
Nampa, ID 83686

either by depositing the same in the U.S. mail, first class postage prepaid, or by personal service.

DATED this 16 day of August, 2006.

Clerk of the District Court



Deputy Clerk

Nancy L. Callahan
Idaho State Bar #4884
LAW OFFICES OF NANCY L. CALLAHAN
101 Canal Street,
Emmett, Idaho 83617
Telephone: (208) 365-1200
Facsimile: (208) 365-1646

FILED	
THIRD JUDICIAL DISTRICT COURT	
Payette County, Idaho	
SEP 07 2006	
_____ A.M.	_____ P.M.
BETTY J. DRESSEN	
By _____	Deputy

Attorney for Defendant

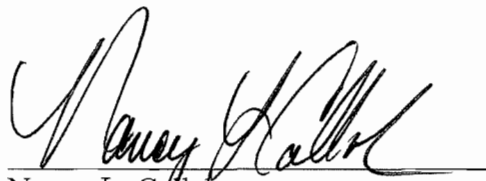
IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR-2006-0001324
)	
Plaintiff,)	
	)	MOTION FOR PAYMENT
vs.	)	OF ATTORNEY FEES
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
_____)	

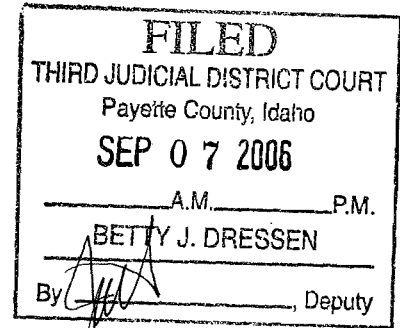
COMES NOW, NANCY L. CALLAHAN, the attorney of record for the above named Defendant and hereby moves this Honorable Court for payment of attorney fees incurred in representation of the above named Defendant in this matter.

This Motion is made and based upon the files and records before the Court and the Affidavit submitted contemporaneously herewith.

DATED this 5 day of September 2006.


Nancy L. Callahan,
Attorney for Defendant

Nancy L. Callahan
Idaho State Bar #4884
LAW OFFICES OF NANCY L. CALLAHAN
101 Canal Street,
Emmett, Idaho 83617
Telephone: (208) 365-1200
Facsimile: (208) 365-1646



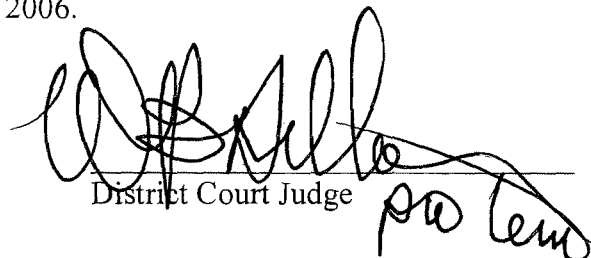
Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR-2006-0001324
)	
Plaintiff,	)	ORDER FOR PAYMENT
vs.	)	OF ATTORNEY FEES
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
)	

BASED UPON the Affidavit submitted herewith, and GOOD CAUSE
APPEARING THEREFORE, it is hereby ORDERED that the Payette County Clerk shall
pay to the Law Offices of Nancy L. Callahan, the sum of Three Thousand Three Hundred
Sixty Three Dollars and Seventy-Five Cents (\$3,363.75).

DATED this 7 day of September 2006.


District Court Judge

163

ORIGINAL

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

THE HONORABLE GORDON PETRIE
COURT REPORTER: Linda Turpin
DATE: September 14, 2006

STATE OF IDAHO,
Plaintiff,

Case No. CR-2006-0001324

-vs-

Clerk's Note

Hector B. Almaraz,
Defendant.

This being the time and place set for a pre-trial present before the Honorable Gordon Petrie the Court had been advised by counsel that there would be written stipulation to continue the pre-trial and jury trial on this matter to a later date.

Speedy trial was discussed and Mr. Bishop had advised the Court the defendant wished to have this matter continued.

Court was adjourned.

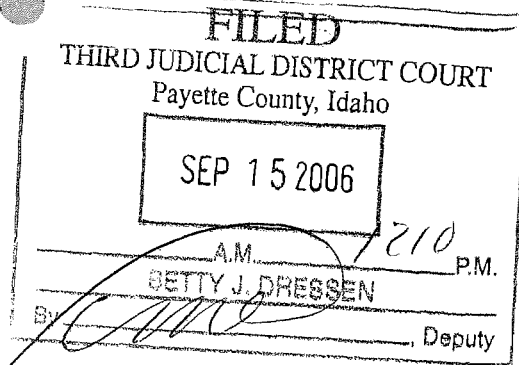
Gordon Petrie, District Court Judge

Betty J. Dressen, Clerk

BY: B. J. Dressen
Deputy Clerk

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Rd. Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740

Attorney for Defendant



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	
	)	CASE NO. CR-2006-1324
Plaintiff,)	
	)	MOTION FOR APPROVAL
Vs.	)	OF FEES FOR APPOINTED COUNSEL
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	

COMES NOW, VAN G. BISHOP, of the LAW OFFICES OF VAN G. BISHOP,
Lead Counsel of record for the above-named Defendant and hereby moves the above-
entitled Court for an Order Approving Attorney Fees, Costs and Mileage in the amount
of \$ 13,074.75 for Defense of the above- named Defendant on the grounds and for the
reason as outlined in the attached "Statement".

DATED this 15 day of September, 2006.


VAN G. BISHOP
Lead Counsel for Defendant

LAW OFFICE OF VAN G. BISHOP

203 12th Avenue Road
Suite B
Nampa, ID 83686

Statement

Date

8/31/2006

Client

State of Idaho
vs.
HECTOR ALMAREZ
PAYETTE COUNTY, IDAHO

Due Date

9/30/2006

Date	Item	Description	Time	Hr'ly Rate	Amount
4/28/2006	CAPITALCAS...	Appointed - open file	1	125.00	125.00
5/2/2006	Jail w/Client	Jail Interview	2.5	125.00	312.50
	Milage	Mileage @ \$.485 / mile	94	0.485	45.59
9/3/2006	Research Law	DOC PREP - Req Disc/Available Dates/ Waiver of Speedy/Stip Cont Prelim	1	125.00	125.00
5/5/2006	Office Meeting	Meeting - w/ sister and father of client	1.5	125.00	187.50
5/12/2006	Out of Office	Meet w/ Prosecutors	0.6	125.00	75.00
	Jail w/Client	Jail Interview	2.5	125.00	312.50
	Milage	Mileage @ \$.485 / mile	94	0.485	45.59
5/20/2006	Research Law	Research and case review - Discovery Prepare for preLim	3	125.00	375.00
5/25/2006	Research Law	Research and case review - Discovery Review Disc for Pre Lim	4	125.00	500.00
5/26/2006	Court Hearing	Court PreLim Hearing - travel and prep	5.5	125.00	687.50
	Milage	Mileage @ \$.485 / mile	94	0.485	45.59
6/2/2006	Court Hearing	Court Arraignment - Client Interview	3	125.00	375.00
	Milage	Mileage @ \$.485 / mile	94	0.485	45.59
6/9/2006	Jail w/Client	Jail Interview	2.5	125.00	312.50
	Milage	Mileage @ \$.485 / mile	94	0.485	45.59
6/19/2006	Telephone / Off...	Telephone - Calls to potential Experts and Investigators	2	125.00	250.00
6/20/2006	Telephone / Off...	Telephone CoCounsel RE Death Notice	0.2	125.00	25.00

Total

Payments/Credits

Balance Due

Customer Total Balance

Phone #

Fax #

E-mail

208-465-5411

208-465-5881

villadelpescador@yahoo.com

Page 1

166

LAW OFFICE OF VAN G. BISHOP

203 12th Avenue Road
Suite B
Nampa, ID 83686

Statement

Date

8/31/2006

Client

State of Idaho
vs.
HECTOR ALMAREZ
PAYETTE COUNTY, IDAHO

Due Date

9/30/2006

Date	Item	Description	Time	Hr'ly Rate	Amount
6/26/2006	Research Law	Research and case review - Review Death Notice -Draft allegations	1.3	125.00	162.50
6/30/2006	Research Law	Research and case review - Discovery Review and Organize	5.5	125.00	687.50
7/21/2006	Research Law	Research and case review - Review video tapes T/C re Software	2.5	125.00	312.50
7/22/2006	CAPITALCAS...	Video Tapes review	5	125.00	625.00
7/25/2006	Telephone / Off...	Telephone with Nancy Callahan - Pre trial Motions and video	0.4	125.00	50.00
7/29/2006	Research Law	Research and case review - Discovery - Witness outline -states	2.5	125.00	312.50
8/1/2006	Research Law	Research and case review - REVIEW MOTION WORKBOOK	1.5	125.00	187.50
8/5/2006	Research Law	Research and case review - Draft Motions	2.5	125.00	312.50
8/8/2006	Telephone / Off...	Telephone w/ NC re: Motions	0.4	125.00	50.00
8/10/2006	Out of Office	Meeting w/Client - Nancy at Jail & prep	4	125.00	500.00
	Milage	Mileage @ \$.485 / mile	94	0.485	45.59
8/17/2006	Out of Office	Interview of witness / Expert - Visit Scene in Fruitland / Client Interview	4.5	125.00	562.50
	Milage	Mileage @ \$.485 / mile	106	0.485	51.41
8/18/2006	Court Hearing	Court - In Chamber's meeting (R/T Nampa to Payette	3	125.00	375.00

Total

Payments/Credits

Balance Due

Customer Total Balance

Phone #	Fax #	E-mail
208-465-5411	208-465-5881	villadelpescador@yahoo.com

LAW OFFICE OF VAN G. BISHOP

203 12th Avenue Road
Suite B
Nampa, ID 83686

Statement

Date

8/31/2006

Client
State of Idaho vs. HECTOR ALMAREZ PAYETTE COUNTY, IDAHO

Due Date

9/30/2006

Date	Item	Description	Time	Hrly Rate	Amount
8/21/2006	Milage	Mileage @ \$.485 / mile	94	0.485	45.59
	Pros. Meeting	Meeting with Prosecutors - Re: Scheduling & discovery	3.2	125.00	400.00
8/22/2006	Milage	Mileage @ \$.485 / mile	94	0.485	45.59
	Telephone / Off...	Telephone w/NC	0.2	125.00	25.00
8/24/2006	Out of Office	TEAM MEETING w/ Investigator @ NC's Office	2.6	125.00	325.00
8/26/2006	Milage	Mileage @ \$.485 / mile	65	0.485	31.53
	Research Law	Research and case review - Discovery Videos and Reports	5.5	125.00	687.50
	COSTS -	COPIES PLUS - Copies		24.02	24.02
	COSTS -	COPIES PLUS		93.00	93.00
	COSTS -	Dr. Cervantes & Asso - Cross Bdr Capital Mitigation		3,271.57	3,271.57

Total	\$13,073.75
--------------	-------------

Payments/Credits	\$0.00
-------------------------	--------

Balance Due	\$13,073.75
--------------------	-------------

Customer Total Balance	\$13,073.75
-------------------------------	-------------

Phone #	Fax #	E-mail
208-465-5411	208-465-5881	villadelpescador@yahoo.com

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PLUS
467-3308

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ILL SERVICE COPY CENTER
524 3rd Street South
Nampa, ID 83651
467-3308

Almasez

05-24-2006 WED #3

04 Linda
314x 0.070
F/S LETTER 21.98
1.5x 0.600
HOLE DRILLING 0.90
2x 0.020
STAPLING 0.04
TAX 1.10
Chg 24.02

ITEM 317.5
PAT 1188 11:21TH

Invoice No: **12080**

To: *Van Bishop*

Date: *5-24-03* Salesclerk: *Linda* Terms: Payable on receipt

Qty	Description	Unit Price	Total
314	Copies	.07	21.98
1 1/2	Drilling	.60	.90
2	Stapling	.02	.04

Subtotal
Sales Tax 1.10
Total Due 24.02

X

Watts

Thank You for Your Business!

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524 3rd Street South
Nampa, ID 83651
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05-31-2006 WED #3

04 LINDS
900X 0.050 45.00T
F/S LETTER 444X 0.050 22.20T
F/S LETTER 900X 0.010 9.00
COLLATING 444X 0.010 4.44
COLLATING 15x 0.600 9.00
HOLE DRILLING TAX 3.36
DHS 93.00

ITEM 2703
PAT 1420 09:30TM

Invoice No: **12103**

to: Van Bishop
465-5411

Date: 5-31-06	Salesclerk: Lunch	Terms: Payable on receipt
------------------	----------------------	------------------------------

Qty	Description	Unit Price	Total
900	Copies 8 1/2 x 11	.05	45.00
444	Copies 8 1/2 x 11	.05	22.20
900	Collating	.01	9.00
444	Collating	.01	4.44
15"	Hole Drilling	.60	9.00

Subtotal	
Sales Tax	3.36
Total Due	93.00

x Watts

Thank You for Your Business!

9/14/2006

Dr. Richard Cervantes

**3,271.57

Three Thousand Two Hundred Seventy-One and 57/100*****

Dr. Richard Cervantes
Cross-Border Capital Mitigation

August Billing 8/31/06

Dr. Richard Cervantes

Mitigation Prep - Interviews

9/14/2006

3,271.57

INTERMOUNTAIN C August Billing 8/31/06

3,271.57

Dr. Richard Cervantes

Mitigation Prep - Interviews

9/14/2006

3,271.57

INTERMOUNTAIN C August Billing 8/31/06

171

3,271.57

CROSS-BORDER CAPITAL MITIGATION

203 12th Avenue Road

Suite B

Nampa, ID 83686

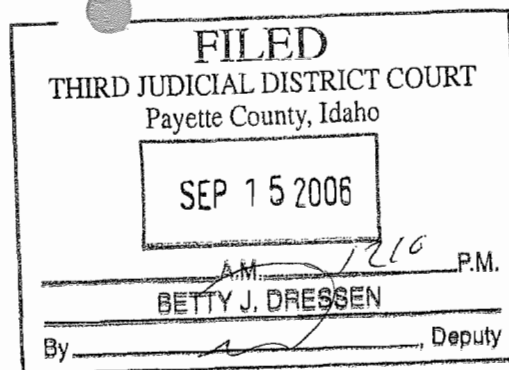
STATEMENT

Date	Invoice #
8/31/2006	1

CLIENT
State of Idaho vs. HECTOR ALMARAZ PAYETTE COUNTY, IDAHO

Date	Description	Hours/milage	Rate	Amount
8/21/2006	M/E Review of reports/records/documents: Police Reports	8	60.00	480.00
8/22/2006	Mitigation Witness Interview: Client in Jail	5	60.00	300.00
	Mileage (R/T Nampa- Payette)	94	0.485	45.59
8/23/2006	Summary / Evaluation	2.5	60.00	150.00
8/23/2006	M/E Document request / evaluation / summary	1.5	60.00	90.00
8/24/2006	Mitigation Witness Interview: Calls to set up interviews	0.5	60.00	30.00
8/24/2006	M/E Review of reports/records/documents- Canyon County Records	1	60.00	60.00
8/24/2006	Team meeting with Attorneys & Private Investigator	2	60.00	120.00
8/24/2006	Mitigation Witness Interview: Client in Jail, Lisa Almaraz (sister), Mercedes (Girlfriend)	6	60.00	360.00
	Mileage - (R/T Nampa, Emmett, Payette, Ontario, Nampa)	106.6	0.485	51.70
8/25/2006	Mitigation Witness Interview: Client in Jail	3	60.00	180.00
	Mileage (R/T Nampa- Payette)	94	0.485	45.59
8/28/2006	Mitigation Witness Interview: Phone Calls	1	60.00	60.00
8/29/2006	M/E Document request / evaluation / summary	3.25	60.00	195.00
8/29/2006	Mitigation Witness Interview: Phone Interviews- Jessica & Marivel (Almaraz Cousins)	2	60.00	120.00
8/30/2006	Mitigation Witness Interview: Hector Almaraz SR.(Father), Rosario Gomez (Brito Cousin), Mickey Morales (Brito Aunt), Lisa Almaraz (Sister)	5	60.00	300.00
	Mileage (R/T Nampa- Vale- Ontario)	112	0.485	54.32
8/30/2006	M/E Document request / evaluation / summary	5.5	60.00	330.00
8/31/2006	M/E Document request / evaluation / summary	2.5		0.00
8/31/2006	Mitigation Witness Interview: Client in Jail	3	60.00	180.00
	Mileage (R/T Nampa- Payette)	94	0.485	45.59
8/31/2006	Idaho Department of Corrections Charge for ISMSI records		73.78	73.78
			Total	\$3,271.57

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Rd. Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740



Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)
)
Plaintiff,)
)
Vs.)
)
HECTOR B. ALMARAZ,)
)
Defendant.)
_____)

CASE NO. CR-2006-1324

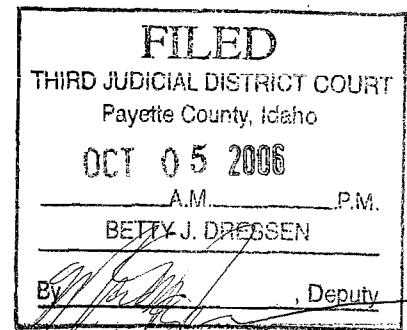
ORDER FOR APPROVAL OF
FEES FOR APPOINTED COUNSEL

IT IS HEREBY ORDERED AND THIS DOES ORDER, that the fees and costs in
the amount of \$ 13074.75 are hereby approved to be paid by the County of Payette,
Idaho, to VAN G. BISHOP, Attorney at Law 203 - 12th Avenue Road Ste. B., Nampa,
Idaho 83686.

DATED this 15 day of September 2006.


STEPHEN DRESHER
District Judge

Nancy L. Callahan
Idaho State Bar #4884
LAW OFFICES OF NANCY L. CALLAHAN
101 Canal Street,
Emmett, Idaho 83617
Telephone: (208) 365-1200
Facsimile: (208) 365-1646



Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR-2006-1324
)	
Plaintiff,)	
)	
vs.	)	AFFIDAVIT OF
	)	NANCY L. CALLAHAN
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
)	

STATE OF IDAHO)
: ss
County of Gem)

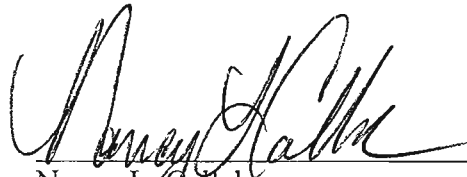
Your Affiant, NANCY L. CALLAHAN, being first duly sworn upon oath,
deposes and states as follows:

1. That your Affiant is the attorney of record for the above named Defendant and has personal knowledge of the facts set forth herein;
2. That your Affiant was appointed to represent the Defendant in the above entitled action by Order of the Court dated May 1, 2006.

3. Attached hereto is a true and correct billing setting forth the hours spent on the defense of Mr. Hector B. Almaraz from August 30, 2006 through September 28, 2006. All representation of Mr. Almaraz is billed out at the approved rate of One Hundred Fifteen Dollars (\$115.00) per hour.

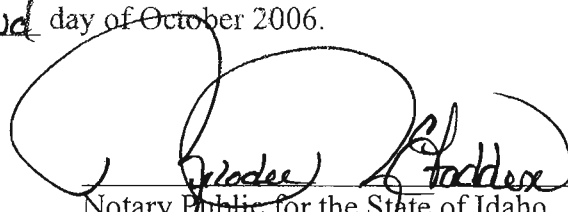
WHEREFORE, Your Affiant respectfully requests that the Order for Payment of Attorney Fees submitted herewith be granted.

DATED this 2nd day of October 2006.


Nancy L. Callahan,
Affiant and Attorney for Defendant

SUBSCRIBED AND SWORN to before me the undersigned Notary Public in and for the State of Idaho on this 2nd day of October 2006.




Notary Public for the State of Idaho
Residing at: Emmett, Idaho
Commission Expires: 06/02/12

Law Offices of Nancy L. Callahan

101 Canal Street
Emmett, ID 83617
(208) 365-1200

Invoice submitted to:

Payette County Court Clerk
Payette County Courthouse
1130 Third Avenue North, Room 104
Payette ID 83661

September 28, 2006

In Reference To: State of Idaho vs. Hector B. Almaraz
Payette County Case No. CR2006-1324

Invoice #7698

Professional Services

Hours Amount

August 2006


8/30/2006 - NLC	Continue to review Discovery Responses for list of audios required.	2.10	241.50
SUBTOTAL:		[2.10	241.50]

September 2006

9/5/2006 - NLC	Receive and review Sixth Supplemental Discovery Response; Telephone call to Van Bishop; Telephone call to Investigator.	0.30	34.50
9/6/2006 - NLC	Meeting with Van Bishop and Jessie Garcia;	3.80	437.00
9/7/2006 - NLC	Telephone call from Sister Re: Information referred to Jessie Garcia.	0.20	23.00
9/11/2006 - NLC	Letter to Prosecuting Attorney Re: 14 audio/video tapes referred to in discovery and not yet produced.	0.50	57.50
9/12/2006 - NLC	Telephone call from Jessie Garcia; Work on video; Review social history;	2.40	276.00
9/14/2006 - NLC	Brief conference with Van Bishop at Payette County Re: Pre-Trial Conference; Telephone call from Jessie Garcia Re: Discovery in Jimez and Landin cases in Malheur County. Information and documentation that we do not have.	0.40	46.00
9/18/2006 - NLC	Telephone call to Van Bishop Re: Specific Request for Discovery in order to obtain copy of Discovery in Landin, Malheur County Case.	0.20	23.00

	<u>Hours</u>	<u>Amount</u>
9/20/2006 - NLC File organization; Review of Oregon Police Reports; Need to obtain transcript of issued	2.60	299.00
9/21/2006 - NLC Telephone call to Anne Marie Kelso Re: Sent letter to Fruitland Police Department; Will go to look at evidence. Believes some evidence is in the possession of Oregon Police Department.	0.20	23.00
9/25/2006 - NLC Telephone call to Jessie Garcia Re: Status; Meeting on Wednesday; Telephone call to Van Bishop - left message.	0.20	23.00
9/26/2006 - NLC Telephone call to Van Bishop Re: Discovery issues.	0.20	23.00
SUBTOTAL:	[11.00	1,265.00]
For professional services rendered	13.10	\$1,506.50
Additional Charges :		
<u>September 2006</u>		
9/26/2006 Postage from 8/23/06 through 9/26/06.		0.78
Copying cost from 8/23/06 through 9/26/06.		0.40
SUBTOTAL:	[1.18]	
Total costs		\$1.18
Total amount of this bill		\$1,507.68
Previous balance		\$3,363.75
9/14/2006 Payment - thank you		(\$3,363.75)
Total payments and adjustments		(\$3,363.75)
Balance due		\$1,507.68

Nancy L. Callahan
Idaho State Bar #4884
LAW OFFICES OF NANCY L. CALLAHAN
101 Canal Street,
Emmett, Idaho 83617
Telephone: (208) 365-1200
Facsimile: (208) 365-1646

FILED	
THIRD JUDICIAL DISTRICT COURT Payette County, Idaho	
OCT 05 2006	
A.M. P.M.	
BETTY J. DRESSEN	
By 	Deputy

Attorney for Defendant

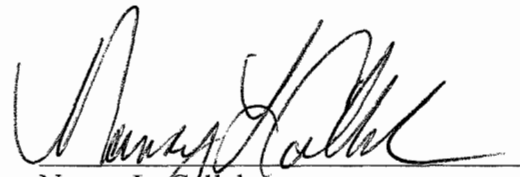
IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR-2006-0001324
)	
Plaintiff,)	
)	
vs.	)	MOTION FOR PAYMENT
	)	OF ATTORNEY FEES
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
_____)	

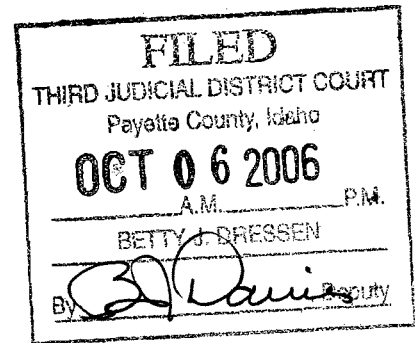
COMES NOW, NANCY L. CALLAHAN, the attorney of record for the above named Defendant and hereby moves this Honorable Court for payment of attorney fees incurred in representation of the above named Defendant in this matter.

This Motion is made and based upon the files and records before the Court and the Affidavit submitted contemporaneously herewith.

DATED this over day of October 2006.


Nancy L. Callahan,
Attorney for Defendant

Nancy L. Callahan
Idaho State Bar #4884
LAW OFFICES OF NANCY L. CALLAHAN
101 Canal Street,
Emmett, Idaho 83617
Telephone: (208) 365-1200
Facsimile: (208) 365-1646



Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR-2006-0001324
)	
Plaintiff,	)	ORDER FOR PAYMENT
vs.	)	OF ATTORNEY FEES
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
_____)	

BASED UPON the Affidavit submitted herewith, and GOOD CAUSE
APPEARING THEREFORE, it is hereby ORDERED that the Payette County Clerk shall
pay to the Law Offices of Nancy L. Callahan, the sum of One Thousand Five Hundred
Seven Dollars and Sixty-Eight Cents (\$1,507.68).

DATED this 6 day of October 2006.



District Court Judge

179

BRIAN LEE

Payette County Prosecuting Attorney
1130 Third Avenue North
Room #105
Payette, ID 83661
(208) 642-6096
(208) 642-6099 facsimile

ORIGINAL

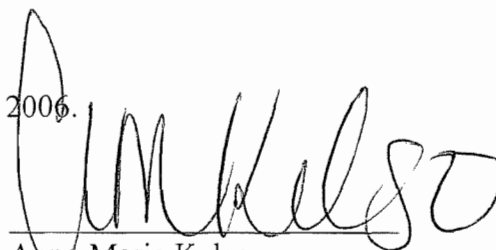
FILED	
THIRD JUDICIAL DISTRICT COURT	
Payette County, Idaho	
OCT 12 2006	
A.M.	P.M.
By <u>BETTY J. BRESSEN</u>	
Deputy	

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	
	)	CASE NO.: CR-2006-0001324
Plaintiff,)	
	)	MOTION FOR DISQUALIFICATION
v.)	
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	

COMES NOW, the State of Idaho, by and through Anne-Marie Kelso, Deputy Prosecuting Attorney, and hereby moves the Court to disqualify Judge Stephen Drescher from the above entitled case as provided by Rule 25(b)(4), I.C.R by and for the reasons set forth in the affidavit filed concurrently herewith.

DATED this 12th of October, 2006.


Anne-Marie Kelso
Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that on the 12 day of October, 2006, I caused a true and correct copy of the foregoing to be forwarded with all required charges prepaid, by the method(s) indicated below to the person(s) listed below:

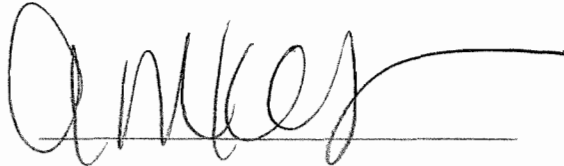
Van Bishop
203 12th Avenue Rd. Ste. B
Nampa, ID 83606

Nancy Callahan
101 Canal Street
Emmett, ID 83717

Hand Delivery ☐

U.S. Mail ☒

Facsimile ☐



ORIGINAL

BRIAN LEE

Payette County Prosecuting Attorney
1130 Third Avenue North
Room #105
Payette, ID 83661
(208) 642-6096
(208) 642-6099 facsimile

FILED	
THIRD JUDICIAL DISTRICT COURT	
Payette County, Idaho	
OCT 12 2006	
A.M.	P.M.
BETTY J. DRESSEN	
By <u>Carol K. Hansen</u> , Deputy	

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	CASE NO.: CR-2006-0001324 AFFIDAVIT IN SUPPORT OF MOTION FOR DISQUALIFICATION
Plaintiff,)	
v.)	
HECTOR B. ALMARAZ,)	
Defendant.)	
)	
)	
)	
)	
)	

State of Idaho)
 ss
County of Payette)

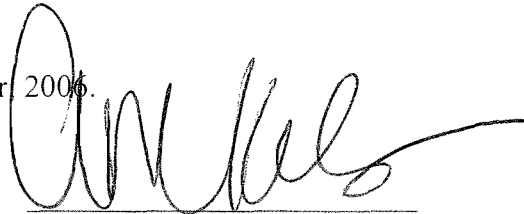
Anne-Marie Kelso, the undersigned, being first duly sworn on oath, deposes and says:

- 1) Hector B. Almaraz, the above named Defendant, is currently charged with Murder in the First Degree in this matter. Van Bishop is assigned as lead counsel and Nancy Callahan is assigned as co-counsel.
- 2) Judge Stephen Drescher voluntarily revealed that his wife, Cassandra Gray, has professional ties with Nancy Callahan. Specifically, Ms. Callahan refers cases to Ms. Gray and also provides Ms. Gray with overflow work. On occasion, Ms. Gray works out of Ms. Callahan's office in Emmett, Idaho.

'182

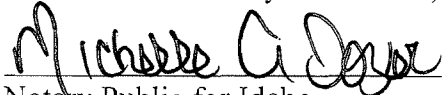
- 3) It is my understanding that she and Ms. Gray discuss the work Ms. Callahan refers to her.
In addition, Ms. Gray's presence in the office affords Ms. Callahan a greater opportunity to "show Ms. Gray the ropes."
- 4) It is my further understanding that Ms. Callahan works on the Almaraz matter out of the same office that she and Ms. Gray sometimes share.
- 5) For the reasons set forth above, the State respectfully requests that Judge Stephen Dresher be disqualified as the presiding judge in this matter.

DATED this 12th of October, 2006.



Anne-Marie Kelso
Deputy Prosecuting Attorney

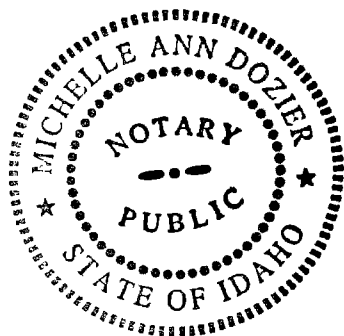
Subscribed and sworn to before me on this 12th day of October, 2006.



Notary Public for Idaho

Residing at: New Plymouth, ID

My Commission Expires: 8-11-2011



CERTIFICATE OF DELIVERY

I hereby certify that on the 12 day of October, 2006, I caused a true and correct copy of the foregoing to be forwarded with all required charges prepaid, by the method(s) indicated below to the person(s) listed below:

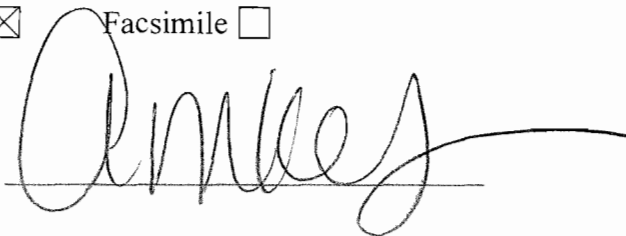
Van Bishop
203 12th Avenue Rd. Ste. B
Nampa, ID 83606

Nancy Callahan
101 Canal Street
Emmett, ID 83717

Hand Delivery ☐

U.S. Mail ☒

Facsimile ☐

A handwritten signature in cursive script, appearing to read "Amber", is written over a horizontal line.

ORIGINAL

BRIAN LEE

Payette County Prosecuting Attorney
1130 Third Avenue North
Room #105
Payette, ID 83661
(208) 642-6096
(208) 642-6099 facsimile

FILED	
THIRD JUDICIAL DISTRICT COURT	
Payette County, Idaho	
OCT 24 2006	
A.M.	P.M.
BETTY J. DRESSEN	
By <i>[Signature]</i>	Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	CASE NO.: CR-2006-0001324 ORDER OF DISQUALIFICATION
Plaintiff,)	
v.)	
HECTOR B. ALMARAZ,)	
Defendant.)	
)	
)	
)	

Based reading and filing the Motion by the State for disqualification of Judge Stephen
Drescher as provided by Rule 25(b), I.C.R., said Motion is hereby granted.

[Signature]
DATED this 12th of October, 2006.

[Signature]
District Judge

CERTIFICATE OF DELIVERY

I hereby certify that on the 24th day of October, 2006, I caused a true and correct copy of the foregoing to be forwarded with all required charges prepaid, by the method(s) indicated below to the person(s) listed below:

Van Bishop
203 12th Avenue Rd. Ste. B - U.S. Mail
Nampa, ID 83606

Nancy Callahan
101 Canal Street - U.S. Mail
Emmett, ID 83717

Payette County Prosecutor
1130 Third Avenue North - Hand Delivery
Payette, ID 83661

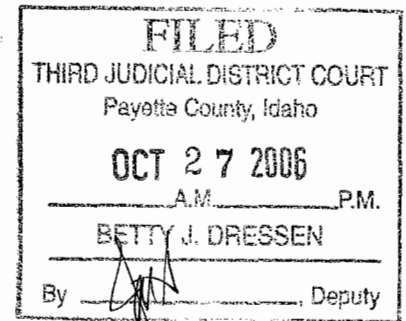
Hand Delivery ☐

U.S. Mail ☒

Facsimile ☐

BETTY J. DRESSEN
CLERK OF THE COURT

By: 
Deputy Clerk



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)	Case No.: CR-2006-1324*D
Plaintiff,)	
vs.	)	ORDER OF ASSIGNMENT
HECTOR B. ALMARAZ,)	
Defendant.)	
)	
)	
)	

The Honorable STEPEHEN W. DRESCHER having been disqualified in the above-entitled matter and having requested the assignment of another District Judge and the Court having approved the same,

IT IS HEREBY ORDERED that the Honorable GREGORY M. CULET be assigned to preside over the proceedings in the above-entitled matter.

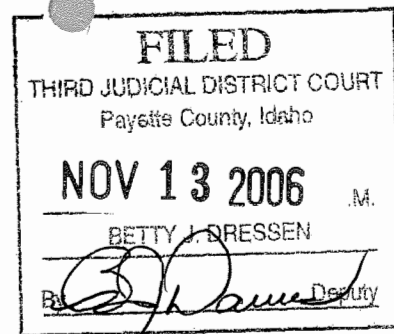
Dated: October 26, 2006

GREGORY M. CULET
Administrative District Judge

By: 
Trial Court Administrator

cc: Brian D. Lee, 1130 Third Avenue North, Room #105, Payette, ID 83661
Van Bishop, 203 12th Avenue Road Suite B, Nampa, ID 83606
Nancy Callahan, 101 Canal Street, Emmett, ID 83617
Hon. Gregory M. Culet

RECEIVED NOV 27 2006



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,

Plaintiff,

-vs-

Hector B. Almaraz,

Defendant.

Case No. CR2006-0001324

SCHEDULING ORDER

The above entitled matter came before this Court on November 9, 2006 for a telephone scheduling conference. Bryan Lee participated on behalf of the Payette County Prosecuting Attorney's office, and Van Bishop and Nancy Callahan appeared on behalf the defendant.

Pursuant to the scheduling conference the Court enters the following scheduling order:

1. Defense counsel have indicated that the defendant previously waived speedy trial, but they will reconfirm such in writing by the defendant.
2. The case is set for jury trial to commence **August 20, 2007 at 9:00 a.m., and run through September 21, 2007**. Additionally, the Court will allow for the week of **September 24-28, 2007** to be used if necessary (as detailed and explained below).
3. The following hearings and events are scheduled with the agreement of the respective parties:

a) A **status conference** will be scheduled for **March 8, 2007 at 9:00 a.m.** to

SCHEDULING ORDER -1

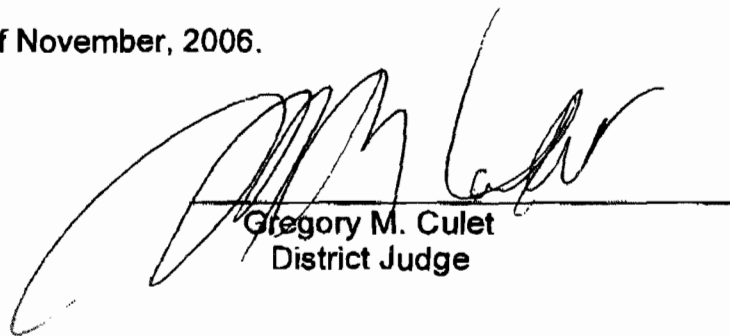
review the progress and status of the case.

- b) **June 22, 2007** is the deadline for the parties to submit proposed questions for the jury questionnaire. The Court strongly recommends that respective counsel attempt to stipulate to as many of the questions as possible. **June 22, 2007** is also the deadline for discovery to be completed.
 - c) **July 2, 2007 at 9:00 a.m.** is the date and time set for arguments, objections and rulings on the contents of the juror questionnaire, as well as the opportunity to address any other pretrial motions that do not require the presentation of testimony in order to present and argue the motions.
 - d) The Court intends to summons a panel of **two hundred (200) prospective jurors** who shall be initially called in groups of fifty (50) at 9:00 a.m. and 1:00 p.m. on both **July 23 and 24, 2007**. At such hearings the Court will engage in a limited *voir dire* examination, and shall provide jurors with information regarding the nature of the case, the dares of the trial, and limited inquiry regarding general qualifications to hear the matter for cause. The prospective jurors shall be directed to fill out and return the jury questionnaire that same day. Thereafter, the Court shall have copies made of the juror questionnaires and distribute one copy to the Court and one copy to the counsel for each side.
 - e) On **August 6, 2007, at 9:00 a.m.**, the Court will hold a hearing to field challenges to jurors based on the questionnaires, as well as any change of venue issues. The Court anticipates that a number of challenges for cause may be summarily addressed at that time based on the answers to the questionnaires. At the conclusion of the hearing, the Court Clerk will randomly draw the numbers of the remaining perspective jurors in the sequence in which they will be examined for individual *voir dire* examination.
 - f) **August 20-31, 2007**. Thereafter, the final jury *voir dire* examination shall occur with individual examination of each prospective juror, running from 9:00 a.m. to 5:00 p.m. each day, commencing **August 20, 2007**, and concluding no later than **August 31, 2007**. The Court anticipates that this phase of selecting a jury will actually take between five (5) and seven (7) days, with peremptory challenges being made on or about August 28th or 29th, however, the attorneys should make themselves available for the remainder of the week of August 27-31 if necessary to complete the selection process.
4. **September 4, 2007 – September 26, 2007**. The initial presentation of evidence, also known as the "guilt phase," will be presented on a schedule of 9:00 a.m. to 2:00 p.m. daily schedule, with two (2) fifteen-minute breaks. It is this Court's opinion

that this schedule will allow jurors to focus on a condensed five-hour presentation of proof each day and still have time to attend to personal and work issues after 2:00 p.m. Once the case is submitted to the jury for deliberation on the issue of guilt, the jurors will be sequestered thereafter until the conclusion of the case. At that point, the Court intends to return to the 9:00 a.m. to 5:00 p.m. (or longer if appropriate) for the deliberation and, if appropriate, the presentation of the "sentencing phase."

There may be other dates and times scheduled during the course of this trial that are not reflected in this order.

Dated this 13 day of November, 2006.



Gregory M. Culet
District Judge

CERTIFICATE OF SERVICE

STATE OF IDAHO,)
) ss
COUNTY OF PAYETTE)

I hereby certify that a true and correct copy of the foregoing Order was forwarded to the following persons this 13 day of November, 2006:

Brian Lee
Prosecuting Attorney
1130 3rd Ave No. Rm 105
Payette, Idaho 83661

Van Bishop
Attorney at Law
203 - 12th Ave Rd Ste B
Nampa, Idaho 83686

Nancy L. Callahan
Attorney at Law
101 Canal Street
Emmett, Idaho 83617

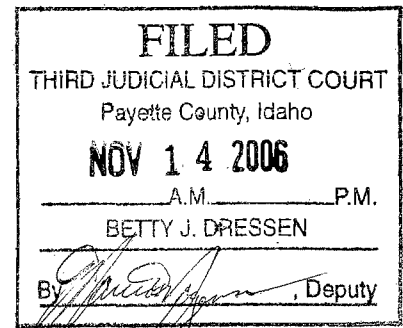
either by depositing the same in the U.S. mail, first class postage prepaid, or by personal service.

Dated this 13 ^{November} day of ~~August~~, 2006.

Betty J. Dressen
Clerk of District Court


Deputy Clerk

Nancy L. Callahan
Idaho State Bar #4884
LAW OFFICES OF NANCY L. CALLAHAN
101 Canal Street,
Emmett, Idaho 83617
Telephone: (208) 365-1200
Facsimile: (208) 365-1646



Attorney for Defendant

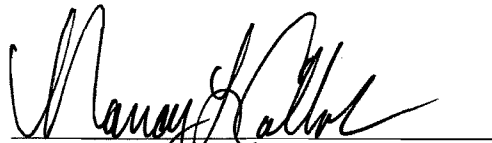
IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR-2006-0001324
)	
Plaintiff,)	
)	
vs.	)	MOTION FOR PAYMENT
	)	OF ATTORNEY FEES
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
_____)	

COMES NOW, NANCY L. CALLAHAN, the attorney of record for the above named Defendant and hereby moves this Honorable Court for payment of attorney fees incurred in representation of the above named Defendant in this matter.

This Motion is made and based upon the files and records before the Court and the Affidavit submitted contemporaneously herewith.

DATED this 2nd day of November 2006.

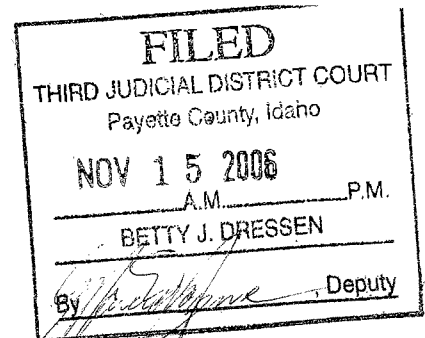


Nancy L. Callahan,
Attorney for Defendant

192

Nancy L. Callahan
Idaho State Bar #4884
LAW OFFICES OF NANCY L. CALLAHAN
101 Canal Street,
Emmett, Idaho 83617
Telephone: (208) 365-1200
Facsimile: (208) 365-1646

RECEIVED NOV 16 2006



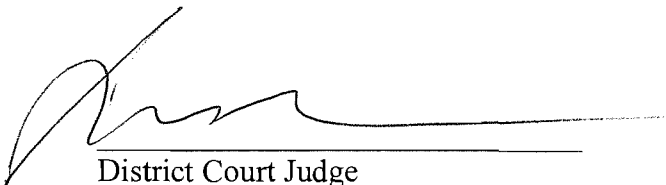
Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	CASE NO. CR-2006-0001324
)	
Plaintiff,	)	ORDER FOR PAYMENT
vs.	)	OF ATTORNEY FEES
)	
HECTOR B. ALMARAZ,)	
)	
Defendant.)	
_____)	

BASED UPON the Affidavit submitted herewith, and GOOD CAUSE
APPEARING THEREFORE, it is hereby ORDERED that the Payette County Clerk shall
pay to the Law Offices of Nancy L. Callahan, the sum of Six Thousand Four Hundred
Sixty Eight Dollars and Twenty Cents (\$6,468.20).

DATED this 15 day of November 2006.


District Court Judge

193

ORIGINAL

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Rd. Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740

Attorney for Defendant

FILED THIRD JUDICIAL DISTRICT COURT Payette County, Idaho <div>NOV 21 2006</div> <div>_____ A.M. _____ P.M.</div> <div>BETTY J. DRESSEN</div> <div>By _____, Deputy</div>

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE


STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
HECTOR C. ALMARAZ,)
)
Defendant.)
_____)

CASE NO. CR-2006-1324

**MOTION FOR APPROVAL OF
FEES FOR MITIGATION SPECIALIST**

COMES NOW, VAN G. BISHOP, of the LAW OFFICES OF VAN G. BISHOP, Attorney of record for the above-named Defendant and hereby moves the above-entitled Court for an Order Approving Fees for the Court Appointed Mitigation Experts, CROSS-BORDER CAPITAL MITIGATION, in the amount of \$ 3,246.36 for Defense of the above- named Defendant on the grounds and for the reason as outlined in the attached "STATEMENT", submitted herewith.

DATED this 20 day of November 2006.

ORIGINAL

VAN G. BISHOP
Attorney for Defendant

CROSS-BORDER CAPITAL MITIGATION

203 12th Avenue Road
Suite B
Nampa, ID 83686

STATEMENT

Date	Invoice #
10/4/2006	3

CLIENT
State of Idaho vs. HECTOR ALMARAZ PAYETTE COUNTY, IDAHO

Date	Description	Hours/milage	Rate	Amount
10/2/2006	Mitigation Witness Interview: Client Interview in Jail, Laura Gomez, Ismelda Longoria	7	60.00	420.00
10/2/2006	Mileage: RT Nampa - Payette - Ontario - Nampa	96.9	9.69 .375	36.34
10/3/2006	M/E Document request / evaluation / summary	1	60.00	60.00
10/5/2006	M/E Review of reports/records/documents	2	60.00	120.00
10/9/2006	M/E Review of reports/records/documents & Summaries (Prison Records)	6.75	60.00	405.00
10/10/2006	M/E Review of reports/records/documents (Juvenile Records)	2	60.00	120.00
10/11/2006	M/E Review of reports/records/documents	2	60.00	120.00
10/12/2006	Team meeting with Attorneys:	4	60.00	240.00
1/12/2006	Mileage: RT Nampa - Emmett	60	1.375 .375	22.50
10/12/2006	M/E Document request / evaluation / summary	1	60.00	60.00
10/13/2006	M/E Review of reports/records/documents	1.5	60.00	90.00
10/16/2006	Team meeting with Attorneys:	4	60.00	240.00
10/16/2006	Mileage: RT Nampa - Emmett	60	1.375 .375	22.50
10/16/2006	M/E Document request / evaluation / summary	1.5	60.00	90.00
10/19/2006	Summary / Evaluation	1	60.00	60.00
10/20/2006	Team meeting with Attorneys & Client	4.5	60.00	270.00
10/20/2006	Mileage: RT Nampa - Payette	94	.375 .375	35.25
10/24/2006	Summary / Evaluation	8.5	60.00	510.00
10/26/2006	Summary / Evaluation	1.5	60.00	90.00
10/26/2006	Copies of Summaries & Key Records for Team		35.69	35.69
10/27/2006	Summary / Evaluation	1	60.00	60.00
10/27/2006	Fed Ex Summary Binder to Psychologist		46.00	46.00
10/18/2006	Chart ONE Inc. INVOICE- Medical Records for Holy Rosary Medical Center - Ontario		33.08	33.08
10/31/2006	M/E Document request / evaluation / summary	1	60.00	60.00
			Total	\$3,246.36

VAN G. BISHOP
LAW OFFICES OF VAN G. BISHOP
203 - 12TH Avenue Rd. Ste. B
Nampa, Idaho 83686
Telephone: (208) 465-5411
Facsimile: (208) 465-5881
ISBN 2740

Attorney for Defendant

FILED	
THIRD JUDICIAL DISTRICT COURT	
Payette County, Idaho	
NOV 21 2006	
_____ A.M.	_____ P.M.
BETTY J. DRESSEN	
By _____	Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

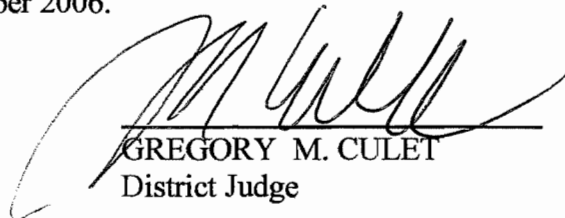
STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
HECTOR C. ALMARAZ,)
)
Defendant.)
_____)

CASE NO. CR-2006-1324

**ORDER FOR APPROVAL OF
FEES FOR MITIGATION SPECIALIST**


IT IS HEREBY ORDERED AND THIS DOES ORDER, that the fees and costs in the amount of \$ **3,246.36** are hereby approved to be paid by Payette County, Idaho to CROSS-BORDER CAPITAL MITIGATION, 203- 12th Avenue Road Ste. B. Nampa, ID. 83686.

DATED this 20 day of November 2006.


GREGORY M. CULET
District Judge

ORIGINAL

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FILED	
THIRD JUDICIAL DISTRICT COURT	
Payette County, Idaho	
NOV 21 2006	
____ A.M. ____ P.M.	
BETTY J. DRESSEN	
By 	____, Deputy

Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
HECTOR C. ALMARAZ,)
)
Defendant.)
_____)

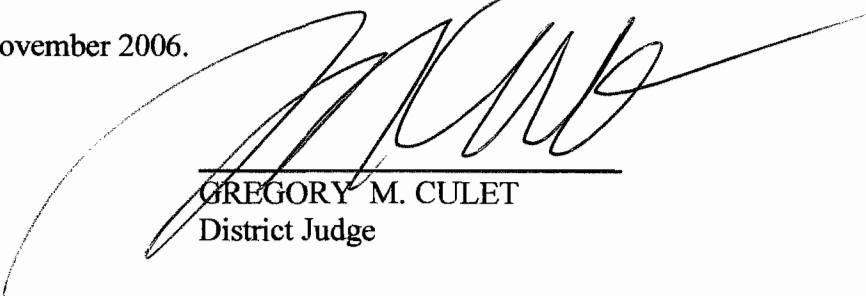
CASE NO. CR-2006-1324

**ORDER FOR APPROVAL OF
FEES FOR COURT APPOINTED
COUNSEL**

IT IS HEREBY ORDERED AND THIS DOES ORDER, that the fees and costs in the
amount of \$ **6,244.78** are hereby approved to be paid by Payette County, Idaho to VAN G.

BISHOP, Attorney at Law, 203 - 12th Avenue Road Ste. B. Nampa, ID 83686.

DATED this 20 day of November 2006.



GREGORY M. CULET
District Judge